**MOUNT ORIEL MEDICAL PRACTICE**

**Privacy Notice – Other Statutory Disclosures of Information**

|  |  |
| --- | --- |
| There are a number of other circumstances in which the Practice can be compelled by law to reveal your information to another body without your consent. These circumstances usually are when failure to do so could lead to harm befalling you or someone else – classed as an overriding public interest. The courts, both civil and criminal, have powers to order disclosure of information in various circumstances. We are required to disclose information if ordered to do so by a judge or presiding officer of a court.  The General Medical Council can request access to your notes for the purpose as investigating a doctor’s fitness to practice. The Health Service Ombudsman has similar powers to request information when investigating a complaint. | |
| 1**) Data Controller** contact details | Mrs Roberta Walsh, Practice Manager, Mount Oriel Medical Practice, Knockbreda Centre, 110 Saintfield Road, Belfast BT8 6GR Tel: 028 9070 1653 |
| **2) Data Protection Officer** contact details | Dr Sean Devine, Mount Oriel Medical Practice, Knockbreda Centre, 110 Saintfield Road, Belfast BT8 6GR Tel: 028 9070 1653 |
| 3) **Purpose** of the processing | The purpose of the processing is to protect the public. |
| 4) **Lawful basis** for processing | The sharing is a legal requirement to provide certain statutory bodies with information when requested.  For consented processing;  6(1)(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes  For unconsented processing;  6(1)(c) processing is necessary for compliance with a legal obligation to which the controller is subject  and:  9(2)(b) ‘...is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of ...social protection law in so far as it is authorised by Union or Member State law..’  We will consider your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”\*  **Prevention of Terrorism Act (1989) and Terrorism Act (2000)**  An obligation to inform the Police if you have information (including personal information) that may assist them in preventing an act of terrorism, or help in apprehending or prosecuting a terrorist.  **The Road Traffic Act (1988)**  A statutory duty to inform the Police, when asked, of any information that might identify any driver who is alleged to have committed an offence under the Act. We are not required to disclose clinical or other confidential information, only that information required to enable and identification of the driver.  **The Female Genital Mutilation Act (2003)**  A statutory duty to report to the police under Section 5B of this Act where it appears that a girl under the age of 18 has been subject to genital mutilation.  **The Medical Act (1983)**  The GMC has the power to request access to a patient’s medical records for the purposes of an investigation into a doctor’s fitness to practise.  **The Health Services Commissioners Act (1993)**  The HSO has the power to request access to a patient’s medical records for the purposes of an investigation.  **DVLNI**  Applicants and licence holders have a legal duty to notify the DVLNI of any injury or illness that would have a likely impact on safe driving ability.  GPs are obliged to notify the DVLNI when fitness to drive requires *notification but an individual cannot or will not notify the DVLA themselves, and* if there is concern for road safety, which would be for both the individual and the wider public. |
| 5) **Recipient or categories of recipients** of the shared data | The Police, DVLNI, the Courts, the GMC, the HSO  With any disclosures there must be:   * a legal duty to disclose, or * a sufficiently important reason to disclose AND a legal basis for doing so   Only the minimum, or relevant, information to satisfy the request will be provided.  The list of statutory bodies is not exhaustive and there may be other circumstances where the sharing of your information may be legally obligated. |
| 6) **Rights to object** | This sharing is a legal and professional requirement and therefore there is no right to object. |
| 7) **Right to access and correct** | The data subject or legal representatives have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law. |
| 8**) Retention period** | Police policy can be found at  https://www.psni.police.uk/advice\_information/information-about-yourself/  Data retained in line with DVLA policies on storing identifiable data <https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency/about/personal-information-charter> |
| 9) **Right to Complain**. | You have the right to complain to the Information Commissioner’s Office, you can use this link <https://ico.org.uk/global/contact-us/>  or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)  The Information Commissioner’s Office – Northern Ireland 3rd Floor 14 Cromac Place,  Belfast BT7 2JB  Telephone: 028 9027 8757 / 0303 123 1114 Email: [ni@ico.org.uk](mailto:ni@ico.org.uk) |

\* “Common Law Duty of Confidentiality”, common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

* where the individual to whom the information relates has consented;
* where disclosure is in the public interest; and
* where there is a legal duty to do so, for example a court order.