

# Calderlea Surgery

## Data Protection Notice

### Introduction

This privacy notice tells you about information we collect and hold about you, what we do with it, how we will look after it and who we might share it with. It covers information we collect directly from you or receive from other individuals or organisations. This notice does not provide exhaustive detail. However, we are happy to provide any additional information or explanation needed. Any requests for this should be sent to the address below.

### Who we are

Calderlea Surgery, Alison Lea Medical Centre, G74 3BE

### Purpose

**Article 5 of The General Data Protection Regulation (GDPR) requires that from 25/05/2018 we as a company adhere to the following principles:**

- (i) **Lawfulness, fairness and transparency:** Your data is processed lawfully, fairly and in a transparent manner in relation to individuals.
- (ii) **Purpose Limitation:** Your data is collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- (iii) **Data Minimisation:** Your data is adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- (iv) **Accuracy:** Your data is accurate and where necessary kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- (v) **Storage Limitation:** Your data is kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by GDPR in order to safeguard the rights and freedoms of individuals.
- (vi) **Integrity and Confidentiality:** Your data is processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

- (vii) **Accountability and liability:** This principle ensures that you are able to demonstrate compliance. Organizations must be able to demonstrate to the governing bodies that they have taken the necessary steps comparable to the risk their data subjects face.

## 1. About the personal information we use

The Practice collects personal information on different groups of individuals including:

- Patients
- Staff
- Contractors
- Suppliers
- Complainants, enquirers
- Survey respondents
- Professional experts and consultants
- Individuals captured by CCTV

The personal information we use includes but is not limited to:

- *Details about you, such as your name, address, carers, legal representatives and emergency contact details*
- *Any contact the surgery has had with you, such as appointments, clinic visits, emergency appointments, etc.*
- *Notes and reports about your health*
- *Details about your treatment and care*
- *Results of investigations such as laboratory tests, x-rays, etc.*
- *Relevant information from other health professionals, relatives or those who care for you*

We also use more sensitive types of personal information, including information about racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; genetic and biometric data, health; sex life or sexual orientation.

The information we use can relate to personal and family details; education, training and employment details; financial details; lifestyle and social circumstances; goods and services; visual images; details held in the patient record; responses to surveys.

## 3. Our purposes for using personal information

The Practice uses all of your data to ensure you receive the best possible care, your records are used to facilitate this care. Information held about you may be used to help protect the health of the public and to help us manage the NHS. Information may be used within the GP practice for clinical audit to monitor the quality of the service provided. Your information may on occasion be passed to a third party securely for the purposes of clinical research.

#### **4. Our legal basis for using personal information**

Calderlea Surgery, as a joint data controller with NHS Lanarkshire, is required to have a legal basis when using personal information. We consider that performance of our tasks is in the exercise of official authority vested in us. In some situations we may rely on a different legal basis; for example, when we are using personal information to pay a supplier, our legal basis is that its use is necessary for the purposes of our legitimate interests as a buyer of goods and services.

When we are using more sensitive types of personal information, including health information, our legal basis is usually that the use is necessary:

- for the provision of health or social care or treatment or the management of health or social care systems and services; or
- for reasons of public interest in the area of public health; or
- for reasons of substantial public interest for aims that are proportionate and respect people's rights, for example research; or
- in order to protect the vital interests of an individual; or
- for the establishment, exercise or defence of legal claims or in the case of a court order.

On rare occasions we may rely on your explicit consent as our legal basis for using your personal information. When we do this we will explain what it means, and the rights that are available, to you. You should be aware that we will continue to ask for your consent for other things like taking part in a drug trial, or when you are having an operation.

#### **5. Who provides the personal information**

When you do not provide information directly to us, we receive it from other individuals and organisations involved in the delivery of health and care services in Scotland. These include NHS Boards and other primary care contractors such as Previous GPs, dentists, pharmacists and opticians; other public bodies e.g. Local Authorities and suppliers of goods and services.

#### **6. Sharing personal information with others**

Depending on the situation, where necessary we will share appropriate, relevant and proportionate personal information in compliance with the law, with the following:

- Our patients and their chosen representatives or carers
- Staff
- Current, past and potential employers
- Healthcare social and welfare organisations
- Suppliers, service providers, legal representatives
- Auditors and audit bodies
- Educators and examining bodies
- Clinical Research organisations
- People making an enquiry or complaint
- Financial organisations
- Professional bodies
- Business associates
- Police forces.

- Security organisations.
- Central and local government.
- Voluntary and charitable organisations.

## **7. Transferring personal information abroad**

It is sometimes necessary to transfer personal health information overseas for example if you require urgent medical treatment abroad. When this is needed information may be transferred to countries or territories around the world. Any transfers made will be in full compliance with NHSScotland Information Security Policy.

## **8. Retention periods of the information we hold**

Within Calderlea Surgery we keep personal information in-line with NHS Scotland Guidelines as set out in the Scottish Government Records Management: NHS Code of Practice (Scotland) Version 2.1 January 2012. The NHS Code of Practice sets out minimum retention periods for information, including personal information, held in different types of records including personal health records and administrative records. As directed by the Scottish Government in the Records Management Code of Practice; [Annex B – Health Records](#), [Annex C – Administration Records](#), we maintain a retention schedule detailing the minimum retention period for the information and procedures for the safe disposal of personal information.

## **9. How we protect personal information**

We take care to ensure your personal information is only accessible to authorised people. Our staff have a legal and contractual duty to keep personal health information secure, and confidential. The following security measures are in place to protect personal information:

- All staff undertake mandatory training in Data Protection and IT Security
- Compliance with NHS Scotland Information Security Policy
- Organisational policy and procedures on the safe handling of personal information
- Access controls and audits of electronic systems

## **10. Your rights**

This section contains a description of your data protection rights.

### **The right to be informed**

We, the surgery must explain how we use your personal information. We use a number of ways to communicate how personal information is used, including:

- This Data Protection Notice
- Information leaflets
- Discussions with staff providing your care

## **The right of access**

You have the right to access your own personal information.

This right includes making you aware of what information we hold along with the opportunity to satisfy you that we are using your information fairly and legally.

You have the right to obtain:

- Confirmation that your personal information is being held or used by us
- Access to your personal information
- Additional information about how we use your personal information

Although we must provide this information free of charge, if your request is considered unfounded or excessive, or if you request the same information more than once, we may charge a reasonable fee.

If you would like to access your personal information, you can do this by submitting a written request detailing specifically what information you would like to see.

Once we have details of your request and you have provided us with enough information for us to locate your personal information, we will respond to your request without delay, within one month (30 days). However if your request is complex we may take longer, by up to two months, to respond. If this is the case we will inform you as soon as possible and explain the reason for the delay.

## **The right to rectification**

If the personal information we hold about you is inaccurate or incomplete you have the right to have this corrected.

If it is agreed that your personal information is inaccurate or incomplete we will aim to amend your records accordingly, normally within one month, or within two months where the request is complex. However, we will contact you as quickly as possible to explain this further if the need to extend our timescales applies to your request. Unless there is a risk to patient safety, we can restrict access to your records to ensure that the inaccurate or incomplete information is not used until amended.

If for any reason we have shared your information with anyone else, perhaps during a referral to another service for example, we will notify them of the changes required so that we can ensure their records are accurate.

If on consideration of your request the surgery does not consider the personal information to be inaccurate then we will add a comment to your record stating your concerns about the information. If this is the case we will contact you within one month to explain our reasons for this.

If you are unhappy about how the surgery has responded to your request for rectification we will provide you with information on how you can complain.

### **The right to object**

When the surgery is processing your personal information for the purpose of the performance of a task carried out in the public interest or in the exercise of official authority you have the right to object to the processing and also seek that further processing of your personal information is restricted. Provided we can demonstrate compelling legitimate grounds for processing your personal information, for instance; patient safety or for evidence to support legal claims, your right will not be upheld.

### **Other rights**

There are other rights under current Data Protection Law however these rights only apply in certain circumstances. If you wish further information on these rights go to <http://www.nhslanarkshire.scot.nhs.uk/download/data-protection-notice-other-rights.pdf>

### **The right to complain**

NHS Lanarkshire employ a Data Protection Officer (DPO) to check that we handle personal information in a way that meets data protection law. If you are unhappy with the way in which we use your personal information please tell our Data Protection Officer using the contact details below.

Mrs Michelle Nobes  
Information Governance Manager, DPO  
eHealth Department  
Kirklands Hospital  
Fallside Road  
Bothwell, G71 8BB

01698 858079

michelle.nobes@lanarkshire.scot.nhs.uk

You also have the right to complain about how we use your personal information to the Information Commissioner's Office (ICO). Details about this are on their website at [www.ico.org.uk](http://www.ico.org.uk).