

Template Practice Privacy Notice

DRS R B CHITRE & S R DASARI

Your data, privacy and the Law. How we use your medical records

- This practice handles medical records according to the laws on data protection and confidentiality.
- We share medical records with health professionals who are involved in providing you with care and treatment. This is on a need to know basis and event by event.
- Some of your data is automatically copied to the Shared Care Summary Record
- We may share some of your data with local out of hours / urgent or emergency care service
- Data about you is used to manage national screening campaigns such as Flu, Cervical cytology and Diabetes prevention.
- Data about you, usually de-identified, is used to manage the NHS and make payments.
- We share information when the law requires us to do, for instance when we are inspected or reporting certain illnesses or safeguarding vulnerable people.
- Your data is used to check the quality of care provided by the NHS.
- We may also share medical records for medical research
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- **CONSENT**

COMMON EXAMPLE WHEN CONSENT CAN BE IMPLIED IS WHEN A PATIENT AGREES TO A REFERRAL FROM ONE HEALTHCARE PROFESSIONAL TO ANOTHER, IN THESE CIRCUMSTANCES, WHEN THE PATIENT AGREES TO THE REFERRAL THIS IMPLIES THEIR CONSENT FOR SHARING RELEVANT INFORMATION TO SUPPORT THE REFERRAL (UNLESS THE PATIENT OBJECTS)

Consent and other lawful bases for processing

Provision of direct care

Explicit consent under the GDPR is distinct from implied consent for sharing for direct care purposes under the common law duty of confidentiality. The GDPR creates a lawful basis for processing special category health data when it is for the provision of direct care that does not require explicit consent. GP data controllers must establish both a lawful basis for processing **and** a special category condition for processing.

The lawful basis for processing special category health data for direct care is that processing is: *'necessary... in the exercise of official authority vested in the controller'*

It is also possible for NHS GP practices to rely on 'processing is necessary for compliance with a legal obligation to which the controller is subject'

The special category condition for processing for direct care is that processing is: *'necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...'*

When sharing data for the provision of direct care, consent under GDPR is not needed. However, in addition to the GDPR, data controllers must also satisfy the common law duty of confidentiality. In order to satisfy the common law data controllers can continue to rely on implied consent to share confidential health data for the provision of direct care. The most common example of when consent can be implied is when a patient agrees to a referral from one healthcare professional to another. In these circumstances, when the

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- Your Care Connected (YCC) is an electronic record sharing system that allows authorised health and care staff to securely view key aspects of the GP record, to provide patients with better and safer care.

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- Please see the following website for further information:
<https://midlandyourcareconnected.nhs.uk>

