

Data Protection Notice

About the personal information we use

The Erskine Practice use 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 information that identifies you like your name, address, date of birth and postcode.

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 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.

Our purposes for using personal information

Under the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 he Erskine Practice are contracted to provide continuing, comprehensive, co-ordinated and person centred healthcare to patients in their communities. We undertake these tasks so that we can help to promote the improvement of the physical and mental health of our patients.

We use personal information to enable us to provide healthcare services for patients, supporting and managing our employees; maintaining our accounts and records and the use of CCTV systems for crime prevention.

Our legal basis for using personal information

The Erskine Practice, as data controller, is required to have a legal basis when using personal information. The Erskine Practice considers that performance of our tasks and functions are in the public interest. So when using personal information our legal basis is usually that its use is necessary for the performance of a task carried out in the public interest, or 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. Another example would be for compliance with a legal obligation to which the Erskine Practice is subject to, for example under the Public Health etc (Scotland) Act 2008 we are required to notify Health Protection Scotland when someone contracts a specific disease.

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.

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 including hospitals and primary care contractors such as GPs, dentists, pharmacists and opticians; other public bodies e.g. Local Authorities and suppliers of goods and services.

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
- Research organisations
- Financial organisations
- Professional bodies
- Police forces, Fire Services, Armed Forces
- Central Government

- Insurance Companies

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 NHS Scotland Information Security Policy.

Retention periods of the information we hold

Within the Erskine Practice we keep personal information as set out in the Scottish Government Records Management Health and Social Care Code of Practice (Scotland) 2020. 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.

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

How We Use Your Information

In order to provide for your care, we need to collect and keep information about you and your health on our records. Your information is used to:

- Provide a basis for all health decisions made by care professionals with and for you;
- Make sure your care is safe and effective;
- Work effectively with others providing you with care;
- Contact you about appointment reminders, flu clinics, health promotion information, cancellation of clinics and changes in service provision.
- We will send text notifications to your mobile telephone containing appointment confirmations and reminders. We will also use text notifications for important service updates to prevent inconvenience to you and maintain the smooth operation of the service.
You can opt-out of the text notification service at any time by contacting the practice on 01382 458333.

We may also use, or share, your information for the following purposes:

- Looking after the health of the general public;
- Making sure that our services can meet patient needs in the future;
- Auditing - Using patient health information to review and improve the quality of healthcare. Patient identifiable information is only used within the practice. (Patients have the right to request that their health information is not included in audits);
- Preparing statistics on NHS performance and activity (where steps will be taken to ensure you cannot be identified);
- Investigating concerns, complaints or legal claims;
- Helping staff to review the care they provide to make sure it is of the highest standards;
- Training and educating staff;
- Research approved by the Local Research Ethics Committee or NHS Research Scotland. (If anything to do with the research would involve you personally, you will be contacted to provide consent).

As a practice, we feel that research is essential for progress in healthcare and is of considerable benefit to individual patients and the public as a whole. We regularly take part in research studies with the help of experienced NHS staff who search medical records for people who might be suitable so that we can write to them asking if they are interested in taking part.

No personal identifiable data is removed from the NHS or provided to any researchers without specific consent from patients.

Patients have the right to opt out of being contacted about research studies. Please let the reception staff or your GP know if you wish to opt out.

If you have any questions, please ask to speak to the General Manager

Risk Prediction

Risk prediction data tools are increasingly being used in the NHS to help determine a person's risk of suffering a particular condition, preventing an unplanned (re)admission and identifying a need for preventive information. Information about you is collected from a number of sources in NHS Scotland including this GP Practice. A risk score is then arrived at through an analysis of your de-identifiable information by ISD Scotland and is only provided back to your GP's Data Controller in an identifiable form. Risk prediction enables your GP to focus on preventing ill health and not just the treatment of illness. If necessary, your GP may be able to offer you additional services.

Scottish Primary Care Information Resource (SPIRE)

NHS Scotland uses information from GP patient records to help plan and improve health and care services in Scotland. You have a choice about the information from your GP records being used in this way. You can opt out from this at any time by contacting the Practice.

For further information of SPIRE contact NHS Inform on 0800 22 44 88.

Emergency Care Summary (ECS)

Emergency care information such as your name, date of birth, the name of your GP, any medicines which your GP has prescribed, any medicines you are allergic to or react badly to, is shared with Out of Hours as this might be important if you need urgent medical care when the GP surgery is closed.

NHS staff (Doctors, Nurses, Accident and Emergency, Ambulance control and crews) can look at your ECS if they need to treat you when the surgery is closed. They will ask for your consent before they look at your records.

In an emergency and if you are unconscious, staff may look at your ECS without your agreement to let them give you the best possible care. Whenever NHS staff looks at your ECS, a record will be kept so we can always check who has looked at your information.

Key Information Summary (KIS)

Key information summary (KIS) has been designed to support patients who have complex care needs or long term conditions. KIS allows important information to be shared with health care professionals in unscheduled care in the NHS 24, A&E, Scottish Ambulance Service, Out of Hours, hospital and pharmacy environments. Information contained in KIS summary includes, future care plans, medications, allergies, diagnosis, your wishes, carer and next of kin details.

You have the right to say that you do not want Care staff to see ECS/KIS. Please contact the Practice on 01382 45833 to let us know.

Online Ordering Repeat Prescriptions

This service allows you, to order repeat prescriptions and make changes to your email and mobile contact number where appropriate.

You will need to register to use this service and can de-register at any time.

Medicine Management

The Practice may conduct Medicines Management Reviews of medications prescribed to its patients. This service performs a review of prescribed medications to ensure patients receive the most appropriate, up to date, and cost effective treatments. This service is provided by our clinicians and Pharmacists provided by NHS Tayside.

Computer System

This Practice operates a Clinical Computer System on which NHS Staff record information securely. This information can then be shared with other Clinicians so that everyone caring for you is fully informed about your relevant medical history.

To provide around the clock safe care, unless you have asked us not to, we will make information available to trusted organisations. Wherever possible, their staff will ask your consent before information is viewed.

We consider patient consent as being the key factor in dealing with your health information.

Shared Care Records

To support your care, and improve the sharing of relevant information to our partner organisations when they are involved in looking after you, we will share information to other NHS systems e.g. medication details for out of hours care. The general principle is that information is passed to these systems unless you request this does not happen, but that system users should ask for your consent before viewing your record.

How We Keep Your Information Confidential and Secure

We are committed to protecting your privacy and will only use information collected lawfully in accordance with the Data Protection Act 1998, Article 8 of the Human Rights Act, the Common Law of Confidentiality, The General Data Protection Regulation and the NHS Codes of Confidentiality and Security. Everyone working in, or for, the NHS must use personal information in a secure and confidential way.

We will only ever use or pass on your information if there is a genuine need to do so. We will not disclose information about you to third parties without your permission unless there are exceptional circumstances, such as when the law requires.

To protect your confidentiality, we will not normally disclose any medical information about you over the telephone, or by fax, unless we are sure that we are talking to you. This means that we will not disclose information to your family, friends, and colleagues about any medical matters at all, unless we know that we have your consent to do so.

Anyone Who Receives Information from Us Is Also Under a Legal Duty to Keep It Confidential and Secure

All persons in the Practice sign a confidentiality agreement that explicitly makes clear, their duties in relation to personal health information and the consequences of breaching that duty.

Please be aware that your information will be accessed by non-clinical Practice staff in order to perform tasks enabling the functioning of the Practice. These are, but not limited to:

- Typing referral letters to Hospital Consultants or allied Health Professionals
- Opening letters from hospitals and Consultants
- Scanning clinical letters, radiology reports and any other documents not available in electronic format
- Photocopying or printing documents for referral to Consultants

- Handling, printing, photocopying and postage of medico legal and life assurance reports and other associated documents

Who Else May Ask to Access Your Information

- The **Court** can insist that we disclose medical records to them;
- **Solicitors** often ask for medical reports. We will require your signed consent for us to disclose information. We will not normally release details about other people that are contained in your records (e.g. wife, children parents etc.) unless we also have their consent.
- **Social Services** - The Benefits Agency and others may require medical reports on you from time to time. We will need your signed consent to provide information to them.
- **Life Assurance Companies/Employers/Occupational Health Doctors** frequently ask for medical reports on individuals. These are always accompanied by your signed consent form.
- We will only disclose the relevant medical information as per your consent. You have the right, should you request it, to see reports prepared for Insurance Companies, employers or occupational Health doctors before they are sent.

Sharing Your Information without Consent

We will normally ask you for your consent, but there are times when we may be required by law to share your information without your consent, for example:

- Where there is a serious risk of harm or abuse to you or other people
- Where a serious crime, such as assault, is being investigated or where it could be prevented
- Where we encounter infectious diseases that may endanger the safety of others, such as meningitis or measles (but not sensitive information such as HIV/AIDS)
- Where a formal Court Order has been issued
- Where there is a legal requirement, e.g. if you had committed a Road Traffic Offence

Translation Service/ Accessibility

Documents can be made available in other languages and formats on request.

Change of Details

It is important that you tell us if any of your details such as your name, address or telephone number has changed or if any of your details such as date of birth is incorrect in order for this to be amended.

You have a responsibility to inform us of any changes so our records are kept accurate and up to date at all times.

Your rights

This section contains a description of your data protection rights within the Erskine Practice.

The right to be informed

The Erskine Practice 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 contacting the general manager

Telephone: 01382 458333

Letter: Erskine Practice, Arthurstone Medical Centre, 39 Arthurstone Terrace, Dundee, DD4 6QY

Email: erskine.tayside@nhs.scot

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 tell you 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 Erskine Practice 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 case we will contact you within one month to explain our reasons for this.

If you are unhappy about how The Erskine Practice has responded to your request for rectification we will provide you with information on how you can complain to the Information Commissioner's Office, or how to take legal action.

The right to object

When The Erskine Practice 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 The Erskine Practice 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.

The right to complain

Erskine Practice designates a Data Protection Officer 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.

Data Protection Officer
Information Governance & Cyber Assurance Team

Maryfield House (South)
30 Mains Loan
Dundee
DD4 7BT
Telephone: 01382 740074 Ext 70311
Email: tay.informationgovernance@nhs.scot

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.

Other rights

There are other rights under current Data Protection Law **however these rights only apply in certain circumstances:**

The right to erasure

The right to erasure is also known as "the right to be forgotten" and in general refers to an individual's right to request the deletion or removal of personal information where there is no compelling reason for the Erskine Practice to continue using it.

As with other rights, there are particular conditions around this right and it does not provide individuals with an absolute right to be forgotten.

Individuals have the right to have their personal information deleted or removed in the following circumstances:

- When it is no longer necessary for the purpose for which it was collected.
- When the Erskine Practice no longer have a legal basis for using your personal information, for example if you gave us consent to use your personal information in a specific way, and you withdraw your consent, we would need to stop using your information and erase it unless we had an overriding reason to continue to use it.
- When you object to the Erskine Practice using your personal information and there is no overriding legitimate interest for us to continue using it.
- If we have used your personal information unlawfully.
- If there is a legal obligation to erase your personal information for example by court order.

The Erskine Practice can refuse to deal with your request for erasure when we use your personal information for the following reasons:

- to comply with a legal obligation for the performance of a public interest task or exercise of official authority.
- for public health purposes in the public interest.

- archiving purposes in the public interest, scientific research historical research or statistical purpose.
- the exercise or defence of legal claims.

When using personal information our legal basis is usually that its use is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us under the NHS Scotland Act as noted previously. This means that in most circumstances we can refuse requests for erasure. However we will advise you of this as soon as possible following receipt of your request.

[The right to restrict processing](#)

You have the right to control how we use your personal information in some circumstances. This is known as the right to restriction. When processing is restricted, the Erskine Practice are permitted to store your personal information, but not further use it until an agreement is reached with you about further processing. We can retain enough information about you to ensure that your request for restriction is respected in the future.

Examples of ways you can restrict our processing would be:

- If you challenge the accuracy of your personal information, stop using it until we check its accuracy.
- If you object to processing which is necessary for the performance of our tasks in the public interest or for the purpose of legitimate interests, we will restrict our processing while we consider whether our legitimate grounds override your individual interests, rights and freedoms.
- If our use of your personal information is found to be unlawful and you ask for restriction instead of full erasure we will restrict our processing.
- If we no longer need your personal information but you need it to establish, exercise or defend a legal claim, we will restrict our processing.

If we have shared your personal information with any individuals or organisations, if we restrict our processing, we will tell those individuals or organisations about our restriction if it is possible and not an unreasonable amount of effort.

Whenever we decide to lift a restriction on processing we will tell you.

[The right to data portability](#)

The right to data portability allows individuals to obtain and re-use their personal information for their own purposes across different services. It allows them to move, copy or transfer personal information easily from one IT environment to another in a safe and secure way. For example: it enables consumers to take advantage of applications and services which can use their information to find them a better deal.

The right to data portability only applies when the individual has submitted their personal information directly, through electronic means to the Erskine Practice. This means that in most circumstances the right to data portability does not apply within the Erskine Practice.

Rights related to automated decision making and profiling

You have the right to object to any instances where a decision is made about you solely by automated means without any human involvement, including profiling.

The Erskine Practice does not undertake any decision-making about you using wholly automated means.

Changes to This Privacy Notice

We keep our Privacy Notice under regular review

Document Control

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