

Eastside Surgery Practice Privacy Notice

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 Northern Ireland Electronic Care Record.
- We may share some of your data with the local Out of Hours Services (e.g. SEBDoc)
- Data about you is used to manage national screening campaigns such as Flu, Cervical cytology and Diabetes prevention.
- Data about you, usually encrypted , 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

For more information please read on or contact the surgery directly to clarify any points.

Privacy Notice Direct Care

Plain English explanation

This practice keeps data on you relating to who you are, where you live, what you do, your family, possibly your friends, your employers, your habits, your problems and diagnoses, the reasons you seek help, your appointments, where you are seen and when you are seen, who by, referrals to specialists and other healthcare providers, tests carried out here and in other places, investigations and scans, treatments and outcomes of treatments, your treatment history, the observations and opinions of other healthcare workers, within and without the NHS as well as comments and aide memoires reasonably made by healthcare professionals in this practice who are appropriately involved in your health care.

When registering for NHS care, all patients who receive NHS care are registered on a national database, the database is held by the Business Services Organisation (BSO) a national organisation which has legal responsibilities to collect NHS data.

GPs have always delegated tasks and responsibilities to others that work with them in their surgeries, on average an NHS GP has between 1,500 to 2,500 patients for whom he or she is accountable. It is not possible for the GP to provide hands on personal care for each and every one of those patients in those circumstances. For this reason GPs share your care with others, predominantly within the surgery, but occasionally with outside organisations. If your health needs require care from others elsewhere outside this practice we will exchange with them whatever information about you that is necessary for them to provide that care. When you make contact with healthcare providers outside the practice but within the NHS it is usual for them to send us information relating to that encounter. We will retain part or all of those reports. Normally we will receive equivalent reports of contacts you have with non NHS services but this is not always the case.

Your consent to this sharing of data, within the practice and with those others outside the practice is assumed and is allowed by the Law.

People who have access to your information will only normally have access to that which they need to fulfil their roles, for instance admin staff will normally only see your name, address, contact details, appointment history and registration details in order to book appointments, the practice nurses will normally have access to your immunisation, treatment, significant active and important past histories, your allergies and relevant recent contacts whilst the GP you see or speak to will normally have access to everything in your record.

You have the right to object to our sharing your data in these circumstances, but we have an overriding responsibility to do what is in your best interests. Please see below.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

1) Controller contact details	Eastside Surgery, 56 Templemore Avenue, Belfast BT5 4FT. 02890451000
2) Data Protection Officer contact details	Dr Mark Thompson, Eastside Surgery, 56 Templemore Avenue, Belfast BT5 4FT. 02890451000
3) Purpose of the processing	Direct Care is care delivered to the individual alone, most of which is provided in the surgery. After a patient agrees to a referral for direct care elsewhere, such as a referral to a specialist in a hospital, necessary and relevant information about the patient, their circumstances and their problem will need to be shared with the other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care.
4) Lawful basis for processing	<p>The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:</p> <p><i>Article 6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'</i></p> <p><i>Article 9(2)(h) '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...'</i></p> <p>We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"*</p>
5) Recipient or categories of recipients of the processed data	The data will be shared with Health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care.
6) Rights to object	You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller (the practice). You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance
7) Right to access and correct	You 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	The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016

	or speak to the practice.
9) Right to Complain.	<p>You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/</p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>The Information Commissioner's Office – Northern Ireland 3rd Floor 14 Cromac Place, Belfast BT7 2JB</p> <p>Telephone: 028 9027 8757 / 0303 123 1114 Email: ni@ico.org.uk</p>

* “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.

Privacy Notice - Emergencies

Plain English Explanation

There are occasions when intervention is necessary in order to save or protect a patient's life or to prevent them from serious immediate harm, for instance during a collapse or diabetic coma or serious injury or accident. In many of these circumstances the patient may be unconscious or too ill to communicate. In these circumstances we have an overriding duty to try to protect and treat the patient. If necessary we will share your information and possibly sensitive confidential information with other emergency healthcare services, the police or fire brigade, so that you can receive the best treatment.

The law acknowledges this and provides supporting legal justifications.

Individuals have the right to make pre-determined decisions about the type and extent of care they will receive should they fall ill in the future, these are known as "Advance Directives". If lodged in your records these will normally be honoured despite the observations in the first paragraph.

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2) Data Protection Officer contact details	Dr Mark Thompson, Eastside Surgery, 56 Templemore Avenue, Belfast BT5 4FT. 02890451000
3) Purpose of the processing	Doctors have a professional responsibility to share data in emergencies to protect their patients or other persons. Often in emergency situations the patient is unable to provide consent.
4) Lawful basis for processing	This is a Direct Care purpose. There is a specific legal justification; <i>Article 6(1)(d) "processing is necessary to protect the vital interests of the data subject or of another natural person"</i> And <i>Article 9(2)(c) "processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of"</i>

	<p><i>giving consent”</i></p> <p>Or alternatively</p> <p><i>Article 9(2)(h) ‘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...’</i></p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”[*]</p>
5) Recipient or categories of recipients of the shared data	The data will be shared with Healthcare professionals and other workers in emergency and out of hours services and at local hospitals, diagnostic and treatment centres.
6) Rights to object	<p>You have the right to object to some or all of the information being shared with the recipients. Contact the Data Controller or the practice.</p> <p>You also have the right to have an “Advance Directive” placed in your records and brought to the attention of relevant healthcare workers or staff.</p>
7) Right to access and correct	You 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. If we share or process your data in an emergency when you have not been able to consent, we will notify you at the earliest opportunity.
8) Retention period	The data will be retained in line with the law and national guidance
9) Right to Complain.	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link https://ico.org.uk/global/contact-us/</p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>The Information Commissioner’s Office – Northern Ireland 3rd Floor 14 Cromac Place, Belfast BT7 2JB</p> <p>Telephone: 028 9027 8757 / 0303 123 1114 Email: ni@ico.org.uk</p>

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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.

Privacy Notice – National Screening programs

Plain English explanation

The NHS provides national screening programmes so that certain diseases can be detected at an early stage. These currently apply to bowel cancer, breast cancer, aortic aneurysms and diabetic retinal screening service. The law allows us to share your contact information with Public Health England so that you can be invited to the relevant screening programme.

More information can be found at: <https://www.gov.uk/topic/population-screening-programmes>

1) Data Controller contact details	Eastside Surgery, 56 Templemore Avenue, Belfast BT5 4FT. 02890451000
2) Data Protection Officer contact details	Dr Mark Thompson, Eastside Surgery, 56 Templemore Avenue, Belfast BT5 4FT. 02890451000
3) Purpose of the processing	The NHS provides several national health screening programs to detect diseases or conditions earlier such as; cervical and breast cancer, aortic aneurysm and diabetes. More information can be found at https://www.gov.uk/topic/population-screening-programmes The information is shared so as to ensure only those who should be called for screening are called and or those at highest risk are prioritised.
4) Lawful basis for processing	<p>The sharing is to support Direct Care which is covered under Article 6(1)(e); “necessary... in the exercise of official authority vested in the controller”</p> <p>And</p> <p>Article 9(2)(h) ‘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...’</p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
5) Recipient or categories of recipients of the shared data	The information will be shared with Healthcare professionals and other workers in emergency and out of hours services and at local hospitals, diagnostic and treatment centres.

6) Rights to object	<p>You have the right to object to this processing of your data and to some or all of the information being shared with the recipients. Contact the Data Controller or the practice. For national screening programmes: you can opt so that you no longer receive an invitation to a screening programme.</p> <p>See: https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes</p> <p>Or speak to the practice.</p>
7) Right to access and correct	<p>You 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.</p>
8) Retention period	<p>GP medical records will be kept in line with the law and national guidance.</p> <p>Information on how long records can be kept can be found at: https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</p> <p>Or speak to the practice.</p>
9) Right to Complain.	<p>You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/</p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>The Information Commissioner's Office – Northern Ireland 3rd Floor 14 Cromac Place, Belfast BT7 2JB</p> <p>Telephone: 028 9027 8757 / 0303 123 1114 Email: ni@ico.org.uk</p>

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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.

Privacy Notice – Commissioning, Planning, Risk Stratification, Patient Identification

Plain English explanation

The records we keep enable us to plan for your care.

This practice keeps data on you that we can search and process, using computer algorithms, to identify patients who might be in need of increased care.

This means using only the data we hold, or in certain circumstances linking that data to data held elsewhere by other organisations, and usually processed by organisations within or bound by contracts with the NHS.

If any processing of this data occurs outside the practice your identity will not be visible to the processors. Only this practice will be able to identify you and the results of any calculated factors, such as your risk of having a heart attack in the next 10 years or your risk of being admitted to hospital with a complication of chest disease

You have the right to object to our processing your data in these circumstances and before any decision based upon that processing is made about you. Processing of this type is only lawfully allowed where it results in individuals being identified with their associated calculated risk. It is not lawful for this processing to be used for other ill-defined purposes, such as “health analytics”.

Despite this we have an overriding responsibility to do what is in your best interests. If we identify you as being at significant risk of having, for example a heart attack or stroke, we are justified in performing that processing.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

1) **Data Controller**
contact details

Eastside Surgery, 56 Templemore Avenue, Belfast BT5 4FT.
02890451000

2) Data Protection Officer contact details	Dr Mark Thompson, Eastside Surgery, 56 Templemore Avenue, Belfast BT5 4FT. 02890451000
3) Purpose of the processing	The practice performs computerised searches of some or all of our records to identify individuals who may be at increased risk of certain conditions or diagnoses i.e. Diabetes, heart disease, risk of falling). Your records may be amongst those searched. This is often called “risk stratification” or “case finding”. These searches are sometimes carried out by Data Processors who link our records to other records that they access, such as hospital attendance records. The results of these searches and assessment may then be shared with other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care.
4) Lawful basis for processing	The legal basis for this processing is Article 6(1)(e) ; “necessary... in the exercise of official authority vested in the controller’ And Article 9(2)(h) ‘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...’ We will recognise your rights under UK Law collectively known as the “Common Law Duty of Confidentiality” [*]
5) Recipient or categories of recipients of the shared data	The data will be shared for processing with the BSO and for subsequent healthcare with local NHS healthcare providers.
6) Rights to object	You have the right to object to this processing where it might result in a decision being made about you. That right may be based either on implied consent under the Common Law of Confidentiality, Article 22 of GDPR or as a condition of a Section 251 approval under the HSCA. It can apply to some or all of the information being shared with the recipients. Your right to object is in relation to your personal circumstances. Contact the Data Controller or the practice.
7) Right to access and correct	You 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	The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.
9) Right to Complain.	<p>You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/</p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>The Information Commissioner's Office – Northern Ireland 3rd Floor 14 Cromac Place, Belfast BT7 2JB</p> <p>Telephone: 028 9027 8757 / 0303 123 1114 Email: ni@ico.org.uk</p>

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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.

Privacy Notice - Public Health

Plain English

Public health encompasses everything from national smoking and alcohol policies, the management of epidemics such as flu, the control of large scale infections such as TB and Hepatitis B to local outbreaks of food poisoning or Measles. Certain illnesses are also notifiable; the doctors treating the patient are required by law to inform the Public Health Authorities, for instance Scarlet Fever.

This will necessarily mean the subjects personal and health information being shared with the Public Health organisations.

Some of the relevant legislation includes: the Health Protection (Notification) Regulations 2010 (SI 2010/659), the Health Protection (Local Authority Powers) Regulations 2010 (SI 2010/657), the Health Protection (Part 2A Orders) Regulations 2010 (SI 2010/658), Public Health (Control of Disease) Act 1984, Public Health (Infectious Diseases) Regulations 1988 and The Health Service (Control of Patient Information) Regulations 2002

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2) Data Protection Officer contact details	Dr Mark Thompson, Eastside Surgery, 56 Templemore Avenue, Belfast BT5 4FT. 02890451000
3) Purpose of the processing	There are occasions when medical data needs to be shared with the HSC Public Health Agency, either under a legal obligation, or for reasons of public interest.
4) Lawful basis for processing	The legal basis will be Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject.” And Article 9(2)(i) “processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices,..”
5) Recipient or categories of recipients of the shared data	The data will be shared with the HSC Public Health Agency http://www.publichealth.hscni.net/
6) Rights to object	You have the right to object to some or all of the information being shared with the recipients. Contact the Data Controller or the practice.

7) Right to access and correct	You 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	The data will be retained for active use during the period of the public interest and according to legal requirements and NIO's criteria on storing identifiable data https://www.gov.uk/government/organisations/northern-ireland-office/about/personal-information-charter
9) Right to Complain.	<p>You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/</p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>The Information Commissioner's Office – Northern Ireland 3rd Floor 14 Cromac Place, Belfast BT7 2JB</p> <p>Telephone: 028 9027 8757 / 0303 123 1114 Email: ni@ico.org.uk</p>

Privacy Notice – Safeguarding

Some members of society are recognised as needing protection, for example children and vulnerable adults. If a person is identified as being at risk from harm we are expected as professionals to do what we can to protect them. In addition we are bound by certain specific laws that exist to protect individuals. This is called “Safeguarding”.

Where there is a suspected or actual safeguarding issue we will share information that we hold with other relevant agencies whether or not the individual or their representative agrees.

There are three laws that allow us to do this without relying on the individual or their representatives agreement (unconsented processing), these are:

Section 47 of The Children Act 1989 :

(<https://www.legislation.gov.uk/ukpga/1989/41/section/47>),

Section 29 of Data Protection Act (prevention of crime)

<https://www.legislation.gov.uk/ukpga/1998/29/section/29>

and

section 45 of the Care Act 2014

<http://www.legislation.gov.uk/ukpga/2014/23/section/45/enacted>.

In addition there are circumstances when we will seek the agreement (consented processing) of the individual or their representative to share information with local child protection services, the relevant law being; section 17 Childrens Act 1989 <https://www.legislation.gov.uk/ukpga/1989/41/section/17>

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2) Data Protection Officer contact details	Dr Mark Thompson, Eastside Surgery, 56 Templemore Avenue, Belfast BT5 4FT. 02890451000
3) Purpose of the processing	The purpose of the processing is to protect the child or vulnerable adult.

<p>4) Lawful basis for processing</p>	<p>The sharing is a legal requirement to protect vulnerable children or adults, therefore for the purposes of safeguarding children and vulnerable adults, the following Article 6 and 9 conditions apply:</p> <p>For consented processing;</p> <p>6(1)(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes</p> <p>For unconsented processing;</p> <p>6(1)(c) processing is necessary for compliance with a legal obligation to which the controller is subject</p> <p>and:</p> <p>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..’</p> <p>We will consider your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
<p>5) Recipient or categories of recipients of the shared data</p>	<p>The data will be shared with the local social services based in the region and depending on where the patient resides.</p>
<p>6) Rights to object</p>	<p>This sharing is a legal and professional requirement and therefore there is no right to object.</p> <p>There is also GMC guidance: https://www.gmc-uk.org/guidance/ethical_guidance/children_guidance_56_63_child_protection.asp</p>
<p>7) Right to access and correct</p>	<p>The DSs or legal representatives has 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.</p>
<p>8) Retention period</p>	<p>The data will be retained for active use during any investigation and thereafter retained in an inactive stored form according to the law and national guidance</p>
<p>9) Right to Complain.</p>	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link https://ico.org.uk/global/contact-us/</p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>The Information Commissioner’s Office – Northern Ireland 3rd Floor 14 Cromac Place,</p>

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Privacy Notice – Payments

Plain English explanation

Contract holding GPs in the UK receive payments from their respective governments on a tiered basis. Most of the income is derived from baseline capitation payments made according to the number of patients registered with the practice on quarterly payment days. The amount paid per patient per quarter varies according to the age, sex and other demographic details for each patient. There are also graduated payments made according to the practice's achievement of certain agreed national quality targets known as the Quality and Outcomes Framework (QOF), for instance the proportion of diabetic patients who have had an annual review. Practices can also receive payments for participating in agreed national or local enhanced services, for instance opening early in the morning or late at night or at the weekends. Practices can also receive payments for certain national initiatives such as immunisation programs and practices may also receive incomes relating to a variety of non-patient related elements such as premises. Finally, there are short term initiatives and projects that practices can take part in. Practices or GPs may also receive income for participating in the education of medical students, junior doctors and GPs themselves as well as research.

In order to make patient-based payments basic and relevant necessary data about you, needs to be sent to the various payment services. The release of this data is required by law.

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2) Data Protection Officer contact details	Dr Mark Thompson, Eastside Surgery, 56 Templemore Avenue, Belfast BT5 4FT. 02890451000
3) Purpose of the processing	To enable GPs to receive payments. To provide accountability.
4) Lawful basis for processing	The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR: <i>Article 6(1)(c) "processing is necessary for compliance with a legal obligation to which the controller is</i>

	<p><i>subject.”</i></p> <p>And</p> <p><i>Article 9(2)(h) ‘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...’</i></p>
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6) Rights to object	You have the right to object to some or all the information being processed under Article 21. Please <u>contact</u> the Data Controller or the practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance
7) Right to access and correct	You 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	The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.
9) Right to Complain.	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link https://ico.org.uk/global/contact-us/</p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>The Information Commissioner’s Office – Northern Ireland 3rd Floor 14 Cromac Place, Belfast BT7 2JB</p> <p>Telephone: 028 9027 8757 / 0303 123 1114 Email: ni@ico.org.uk</p>

25/5/2018

Privacy Notice - Electronic Care Record

Plain English

The Northern Ireland Electronic Care Record (NIECR) is a Northern Ireland specific development. It consists of a basic medical record held on a central government database on every patient registered with a GP surgery in Northern Ireland. The basic data is automatically extracted from your GP's electronic record system and uploaded to the central system. GPs are required by their contract to allow this upload. The basic upload consists of current medication, allergies and details of any previous bad reactions to medicines, the name, address, date of birth and NHS H&C number of the patient.

Other detailed information is added by all the Secondary care trusts in the form of hospital discharge letters, outpatient letters, laboratory results and x-ray results. The record also contains records of hospital admissions and appointments in the past and that have been booked in the future.

The NIECR can only be viewed on systems directly linked to the NHS computer system, or remotely by staff using high level security protected devices.

You can find out more about the NIECR here

<https://www.nidirect.gov.uk/articles/northern-ireland-electronic-care-record-niecr>

You have the right to object to our sharing your data in these circumstances and you can ask your GP to block uploads.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

1) **Data Controller**
contact details

Eastside Surgery, 56 Templemore Avenue, Belfast BT5 4FT.
02890451000 (although the HSC is the overall data controller for the NIECR)

2) Data Protection Officer contact details	Dr Mark Thompson, Eastside Surgery, 56 Templemore Avenue, Belfast BT5 4FT. 02890451000
3) Purpose of the processing	Upload of basic and detailed additional SCR data
4) Lawful basis for processing	<p>The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:</p> <p><i>Article 6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'</i></p> <p><i>Article 9(2)(h) '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...'</i></p> <p>We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"*</p>
5) Recipient or categories of recipients of the processed data	The data will be shared with Health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care.
6) Rights to object	You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller or the practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance
7) Right to access and correct	You 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	The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.

<p>9) Right to Complain.</p>	<p>You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/</p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>The Information Commissioner's Office – Northern Ireland 3rd Floor 14 Cromac Place, Belfast BT7 2JB</p> <p>Telephone: 028 9027 8757 / 0303 123 1114 Email: ni@ico.org.uk</p>
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* “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.

25/5/2018