



Privacy Notice for Social Care

Version control

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04 Sept 2019	1	Saj Azfar		Created
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Security Information

GP Care Services Ltd collect, store and uses large amounts of personal and sensitive data every day, such as medical records, personal records and computerised information. This data is used by us in the course of our work.

We take our duty to protect personal information and confidentiality very seriously and we are committed to comply with all relevant legislation and to take all reasonable measures to ensure the confidentiality and security of personal data for which we are responsible, whether computerised or on paper.

At Board level, we have appointed a Senior Information Risk Owner who is accountable for the management of all information assets and any associated risks and incidents, and our Chief Executive Officer Gail Whitehead is responsible for the management of patient information and patient confidentiality.

Throughout the rest of this document, the term “you” refers to yourself or your legally appointed attorney.

Legal Basis for the Processing of Your Data

The General Data Protection Regulation (GDPR) 2018 requires the Organisation to process:

Personal data under 6(1)(f) *“Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data...”*

Article 6(1)(a) “The data subject has given consent to the processing of his or her personal data for one or more specific purposes.

Sensitive personal data (Health Records) under 9(2)(h) – *“Necessary for the reasons of preventative or occupational medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services”*

Why do we collect information about you?

All our staff involved in providing you with our services will keep records about you and any advice you receive from us. These records help to ensure that you receive the best possible advice and care. Those records may be paper or electronic and they may include:

- Basic details about you such as name, address, email address, NHS number, date of birth, next of kin, etc.
- Details of contact we have had with you.
- Notes and reports about your health and any relevant assessments by a health professional

- Details of diagnosis and treatment given
- Information about any allergies or health conditions.
- Results of x-rays, scans and laboratory tests.
- Relevant information from people who care for you and know you well such as health care professionals, social workers and relatives.

It is essential that your details are accurate and up to date. You can always check that your personal details are correct when we visit you or when you speak to us. Please inform us of any changes to your contact details as soon as possible. This minimises the risk of you not receiving important correspondence or other communications from us.

By providing us with your contact details, you are agreeing to us using those channels to communicate with you about your healthcare or care needs, i.e. by letter (postal address), by voice mail or voice message (telephone or mobile number), by text message (mobile number) or by email (email address).

We use third party electronic communications services to manage data and personal information that you may wish to send to us from our website forms.

How your personal information is used

In general, your records are used to direct, manage and deliver the advice and care that you receive or may need and this is to ensure that:

- Care Providers and other health or social care professionals involved in your care have accurate and up to date information about you.
- Care providers and Health or social care professionals have the information they need to be able to assess and improve the quality and type of care you receive.
- Your concerns can be properly investigated if a complaint is raised.

The Records Management Code of Practice

The Records Management Code of Practice for Health and Social Care 2016 is a guide for the NHS to use in relation to the practice of managing records. It is relevant to organisations who work within, or under contract to NHS organisations in England and this includes GP Care Services Ltd.

The Code is based on current legal requirements and professional best practice. It will help organisations to implement the recommendations of the Mid Staffordshire NHS Foundation Trust Public Inquiry¹ relating to records management and transparency.

<https://www.gov.uk/government/publications/records-management-code-of-practice-for-health-and-social-care>

How long are records retained

All our social care records are retained for ten years. GP Care Services Ltd does not keep residents' records for longer than necessary and all records are destroyed confidentially once their retention period has been met, and the Organisation has made the decision that the records are no longer required.

When do we share information about you?

We share information about you with others directly involved in your care or advice that we give you about your care; and share more limited information for indirect care purposes, both of which are described below:

Everyone working within our Organisation and the NHS has a legal duty to keep information about you confidential. Similarly, anyone who receives information from us also has a legal duty to keep it [confidential](#).

Direct Care Purposes

- NHS Trusts and hospitals that are involved in your care
- Council and Social Services who are involved in your care
- General Practitioners
- Ambulance Services
- Private Sector Providers
- Voluntary Sector Providers

You may be receiving care from other people as well as the services stated above. We may need to share some information about you with them so we can all work together for your benefit if they have a genuine need for it or we have your permission. Therefore, we may also share your information subject to strict agreement about how it will be used, with:

- Social Care Services
- Local Authorities
- Voluntary and private sector providers working with the NHS or The Willows

We will not disclose your information to any other third parties without your permission unless there are exceptional circumstances, such as if the health and safety of others is at risk or if the law requires us to pass on information.

Indirect Care Purposes

We also use information we hold about you to:

- Review the care and advice that we provide to ensure it is of the highest standards and quality
- Ensure our services can meet your needs in the future
- Investigate your queries, complaints and legal claims

Nationally there are strict controls on how information is used for these purposes. These control whether your information has to be de-identified first and with whom we may share identifiable information. You can find out more about these purposes, which are also known as secondary uses, on the NHS England and NHS Digital's websites:

- <https://www.england.nhs.uk/>
- <https://digital.nhs.uk/>

When other people need information about you

GP Care Services Ltd staff and everyone working in health and social care has a legal duty to keep information about you confidential and anyone who receives information from us is also under a legal duty to keep it confidential.

From time to time we may need to share information with other professionals and services concerned in your care. This may be for instances when your healthcare professional needs to discuss your case with other professionals (who do not work for the Organisation) in order to plan your care. We do this in order to provide the most appropriate advice, treatment and support for you and your carers, or when the welfare of other people is involved. We will only share information in this way if we have your permission and it is considered necessary.

There may be other circumstances when we must share information with other agencies. In these rare circumstances we are not required to seek your consent.

Examples of this are:

- If there is a concern that you are putting yourself at risk of serious harm
- If there is a concern that you are putting another person at risk of serious harm
- If there is a concern that you are putting a child at risk of harm
- If we have been instructed to do so by a court
- If the information is essential for the investigation of a serious crime
- If you are subject to the Mental Health Act (1983) there are circumstances in which our 'nearest relative' must receive information even if you object
- If your information falls within a category that needs to be notified for public health or other legal reasons, eg, certain infectious diseases.

Data subject's rights (under the General Data Protection Regulation)

- A right of access to a copy of their personal data
- A right to object to processing that is likely to cause or is causing damage or distress
- A right to object to decisions being taken by automated means
- A right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed, and
- A right to claim compensation for damages caused by a breach of the Act
- A right to confirmation that their personal data is being processed and access to a copy of that data which in most cases will be free of charge and will be available within 1 month (which can be extended to two months in some circumstances)

- Who that data has or will be disclosed to
- The period of time the data will be stored for
- A right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed
- Data portability – data provided electronically in a commonly used format
- The right to be forgotten and erasure of data does not apply to an individual's health record or for public health purposes
- The right to lodge a complaint with a supervising authority (see Raising a Concern section)

Your right to object

You have the right to restrict how and with whom we share information in your records that identifies you. If you object to us sharing your information we will record this explicitly within your records so that all healthcare professionals and staff involved in your care are aware of your decision. If you choose not to allow us to share your information with other health or social care professionals involved with your care it may make the provision of treatment or care more difficult or unavailable.

Please discuss any concerns with the member of staff advising you so that you are aware of any potential impact. You can also change your mind at any time about a disclosure decision.

Refusing or withdrawing consent

The possible consequences of refusing consent will be fully explained to you at the time, and could include delays in receiving our advice or care.

In those instances where the legal basis of sharing of confidential personal information relies on your explicit or implied consent, then you have the right at any time to refuse your consent to the information sharing, or to withdraw any consent previously given.

In instances where the legal basis for sharing information without consent relies on HRA CAG authorisation under Section 251 of the NHS Act 2006 then you have the right to register your objection to the disclosure, and GP Care Services Limited are obliged to respect your objection.

In instances where the legal basis for sharing information relies on a statutory duty/power, then the patient cannot refuse or withdraw consent for the disclosure.

SMS text messaging

When using our services you may be asked to confirm that we have an accurate contact number and mobile telephone number for you. This can be used to provide information via SMS text messages.

How you can access your records

Data Protection Legislation (GDPR 2018, DPA 2018) gives you a right to access the information we hold about you on our records. Requests must be made in writing to the Information Governance Lead, GP Care Services Ltd, The Willows Dementia Hub, Broad Lane, Rochdale OL16 4PP. We will provide your information to you within one month (this can be extended dependent on the complexity of the request) from receipt of your application:

- A completed application form containing adequate supporting information (such as your full name and date of birth) to enable us to verify your identity.
- If you are a relative seeking information regarding a resident we will require evidence of the relevant Power of Attorney giving permission for you to seek confidential information on the residents' behalf.
- Information will be provided free of charge except where requests are unfounded or excessive or repeat requests. We may either charge a reasonable fee or refuse to act on the request in these instances.
- One copy of our records will be supplied for free, in paper or electronic format as agreed at the time of the request. Paper copies and electronic media ~~wil~~will be left at reception at the Willows for collection. We will not accept the cost and risk of posting them.

Data Controller

The Data Controller responsible for keeping your information is confidential is:

Dr S Azfar, GP Care Services Limited, The Willows Dementia Hub, Broad Lane, Rochdale OL16 4PP

Raising a Concern

People who have a concern about any aspect of their contact with The Willows Dementia Hub should contact the Registered Manager in the first instance.

If you have any concerns about how we handle your information you have a right to complaint to the Information Commissioners Office about it.

The GDPR 2018 requires organisations to lodge a notification with the Information Commissioner to describe the purposes for which they process personal information. These details are publicly available from:

Information Commissioner's Office, Wycliffe House, Water lane, Wilmslow SK9 5AF

www.ico.org.uk

Telephone number 0303 123 1113

The Freedom of Information Act 2000 provides any person with the right to obtain information held by healthcare or social care organisations in certain circumstances and subject to a number of exemptions. If you would like to request some information from us please contact GP Care Services Limited at the above address.