**TENNANT STREET MEDICAL PRACTICE**

**General Data Protection Regulations Policy**

**Document Control**

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*General Data Protection Regulations Policy*

**Introduction**

**Background**

Tennant Street Medical Practice needs to collect personal information about people with whom it deals in order to carry out its business and provide its services. Such people include patients, employees (present, past and prospective), suppliers and other business contacts. The information includes name, address, email address, date of birth, private and confidential information, sensitive information. In addition, we may occasionally be required to collect and use certain types of such personal information to comply with the requirements of the law. No matter how it is collected, recorded and used (e.g. on a computer or on paper) this personal information must be dealt with properly to ensure compliance with the General Data Protection Regulations (GDPR) (the Act).

The lawful and proper treatment of personal information by Tennant Street Medical Practice is extremely important to the success of our business and in order to maintain the confidence of our service users and employees. We ensure that the Tennant Street Medical Practice treats personal information lawfully and correctly.

**GDPR Principles**

Tennant Street Medical Practice fully supports and complies with 6 the principles of the Act which covers the end-to-end lifecycle of the data including:

1. Processed lawfully, fairly and in a transparent manner
2. Collected for specified, explicit and legitimate purposes
3. Adequate, relevant and limited to what is necessary
4. Accurate and kept up to date
5. Kept in a form which permits identification of data subjects for no longer than is necessary
6. Processed in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing, accidental loss, destruction or damage.

**Scope**

Staff of Tennant Street Medical Practice, staff working in or on behalf of Tennant Street Medical Practice (this includes contractors, temporary staff, secondees and all permanent employees).

These regulations do not apply to data relating to the deceased which is covered by the Access to Health Records Act 1990.

**Roles and Responsibilities**

The Data Protection Officer for Tennant Street Medical Practice is Lianne Cotterill, Senior Information Governance Manager, North Of England Commissioning Support ([liane.cotterill@nhs.net](mailto:liane.cotterill@nhs.net)).

The Data Controllers are the Partners.

The Data Processors are all the employees of the Practice and any secondees, third party contractors or temporary staff who have access to personal information relating to either patients or employees of Tennant Street Medical Practice.

Patient data within Tennant Street Medical Practice will also be come under the category of ‘Special Category Data’ which the BMA identifies as *“necessary for the purposes of preventative or occupational medicine for assessing the working capacity of the employee, medical diagnosis, the provision of the health or social care or treatment or management of health or social care systems and services….”*

Tennant Street Medical Practice will:-

* ensure that there is always one person with overall responsibility for data protection.
* provide training for all staff members who handle personal information
* provide clear lines of report and supervision for compliance with data protection
* carry out regular checks to monitor and assess new processing of personal data and to ensure the Tennant Street Medical Practice notification to the Information Commissioner is updated to take account of any changes in processing of personal data
* develop and maintain GDPR procedures to include: roles and responsibilities, notification, subject access, training and compliance testing

**Employee Responsibilities**

All employees will, through appropriate training and responsible management:

• Observe all forms of guidance, codes of practice and procedures about the collection and use of personal information.

• Understand fully the purposes for which the Tennant Street Medical Practice uses personal information.

• Collect and process appropriate information, and only in accordance with the purposes for which it is to be used by Tennant Street Medical Practice to meet its service needs or legal requirements.

• Ensure the information is correctly input into the Tennant Street Medical Practice systems.

• Ensure the information is destroyed (in accordance with the provisions of the Act) when it is no longer required.

• On receipt of a request from an individual for information held about them immediately notify their line manager.

• Not send any personal information outside of the United Kingdom without the authority of the Caldicott Guardian.

• Understand that breaches of this Policy may result in disciplinary action, including dismissal.

**Subject Access Requests**

In line with the GDPR, Subject Access Requests (SAR) are non-chargeable whether requested by the patient directly or with express written permission from a third party (eg solicitor or insurance company).

Although SARs can be verbally requested, Tennant Street Medical Practice expects the request to be in writing (either hard copy or email) for reasons of security and identification.

Tennant Street Medical Practice have purchased an add-on to the iGPR software which allows automatic redaction of pre-defined Read Codes and third party information on any patient record.

The output is in PDF format and the patient will be offered the choice of the information being emailed to them using NHS Mail and the word [Secure] in the Subject box. This allows a level of encryption security for the recipient. Prior to sending the information via email the patient must sign a consent form to agree that any access to their information via a third party from the patient’s inbox is not the responsibility of the Practice (see Appendix 1).

Patient records can also be printed if the patient does not wish to use email. The printed copies will be held in Reception for collection by the patient. Should the patient wish for the information to be posted a postage charge will be applied.

The option of allowing access to a patient’s full record on-line via SystmOne is currently on hold until there is more clarity. There are concerns about redaction of information if the patient has on-line access and also consideration should be given to a limited time period for access to prevent subsequent entries being available without checks.

SAR requests will be responded to within 1 month unless there is a genuine and significant reason for not doing so. The Data Subject who has made the request will be informed of the reason for the delay in writing as soon as it has been identified.

**New Registrations**

Patients who newly register with Tennant Street Medical Practice will be required to sign their explicit consent to be informed of appointments and health campaigns via SMS messaging (See Appendix 2).

**New Employees**

New employees at Tennant Street Medical Practice will be asked to sign their consent or dissent to their information being shared with NHS England for statistical purposes.

Currently the information is submitted on a quarterly basis and includes the employee’s name, NI number, date of birth, hours of work and job title.

Other information shared is for payroll and pension purposes which is essential for administration of both areas and is therefore exempt from dissent.

**The Right to Rectification**

All Data Subjects have the right to have their data rectified if it is erroneous. This includes employees of Tennant Street Medical Practice as well as patients.

**Employees**

Employees have the right to see their personnel information on request and can request information to be removed from their file or rectified. This must be a formal request in writing and will be considered by the Data Controllers (ie the Partners) after consideration of any impact that removal or rectification of the data may have on either the Practice or the employee. All requests will be considered equitably.

**Patients**

Patients who request rectification of information can do so in writing or verbally and the Practice will take advice from their indemnifiers and/or the Data Protection Officer as to the appropriateness of the rectification of such information. No information can be permanently deleted from a medical record but the information can be rendered non-visible or rectified.

Over the next few years, it’s likely that more patients will take the opportunity to access their medical records online. While most will only want to satisfy their curiosity, there will be those who are unhappy with what they find.

Under data protection law (the GDPR and Data Protection Act 2018) patients have the right to rectification if their personal information is factually inaccurate or incomplete.

Tennant Street Medical Practice has taken the following advice and policy section directly from The Information Commissioner’s Office (ICO) Guide to the GDPR:

* Patients (or their representatives) can make a rectification request verbally or in writing to anyone in the practice.
* A request will be considered valid as long as the individual has challenged the accuracy of their data and has requested Tennant Street Medical Practice to correct it. There is no need for individuals to reference the GDPR.
* Requests will be considered on a case by case basis – there will be no blanket policy.
* Tennant Street Medical Practice will keep a log of all requests whether verbal or in writing.
* Tennant Street Medical Practice will not charge a fee to comply with a request for rectification unless the request is manifestly unfounded or excessive when it is possible to charge a ‘reasonable fee’ for the administrative costs. The decision to charge for administrative costs will be following discussion with MDDUS to ensure the decision is appropriate and justifiable.
* Tennant Street Medical Practice will act upon the request without undue delay and at the latest within one month of receipt. This may be extended by a further two months when the request is complex.
* Tennant Street Medical Practice will restrict the processing of the personal data in question while verifying its accuracy.
* The Practice reserves the right to refuse a request for rectification, but will explain in full the rationale for refusal and advise the patient of their right to complain to the ICO.
* If inaccurate personal data has been disclosed to third parties, the Practice will inform them of the rectification unless this is impossible or involves disproportionate effort. At the patient’s request, the Practice will also inform them about any person or body who has received the information.

**Safeguarding the integrity of patient records**

After receiving a rectification request, the Practice will take reasonable steps to satisfy themselves that the data is accurate and to rectify the data if necessary. This will depend on the nature of the information and what it will be used for but the Practice will take into account the arguments and evidence submitted by the patient and consider any steps that can be taken to verify information such as cross-checking against other available records.

If a factual correction is necessary, such as a misspelt name or incorrect date of birth, it must be obvious who made the amendment and when (electronic record systems create an audit trail of record creation and modification). If the inaccuracy is in a paper record, it will be scored through with a single line so the original text is still legible and the correct entry written alongside with the date, time and the signature of the doctor making the amendment.

The Practice will not alter a record simply because the patient finds it upsetting or disagrees with a documented clinical opinion. In its frequently asked question section for small healthcare organisations, the ICO explains: ‘*An initial diagnosis (or informed opinion) may prove to be incorrect after more extensive examination or further tests. Individuals may want the initial diagnosis to be deleted on the grounds that it was, or proved to be, inaccurate.*

*‘However, if the patient’s records accurately reflect the doctor’s diagnosis at the time, the records are not inaccurate because they accurately reflect a particular doctor’s opinion at a particular time. Moreover, the record of the doctor’s initial diagnosis may help those treating the patient later.’*

Whilst the Practice cannot alter a record that is an accurate representation of the situation at the time the note was written, it can be agreed to make an additional note which records that the patient disagrees with the opinion.

**Data Impact Assessments**

Data Impact Assessments (DIA) will be carried out as appropriate to ensure compliance with and adherence to the GDPR.

**Breach Notifications**

Notifications of a breach of security involving patient or employee data will be reported to the Information Commissioner’s Office without undue delay. Tennant Street Medical Practice will endeavour to report any breaches within 72 hours of the breach or discovery of the breach.

Tennant Street Medical Practice will also inform the Data Subject of any breaches that involve their personal information and may result in high risk unless:

* The personal data has been encrypted
* The potential high risk will not materialise
* It would take disproportionate effort in which case a public communication will suffice

**Distribution and Implementation**

**Distribution Plan**

This document will be made available to all Staff at the Tennant Street Medical Practice and published on the practice website.

**Monitoring**

Compliance with the policies and procedures laid down in this document will be monitored by the Practice Manager, together with independent reviews by External Audit (ie the Data Protection and Security Toolkit).

The Practice Manager is responsible for the monitoring, revision and updating of this document on an annual basis or sooner if the need arises (see note below).

NOTE: Due to the very recent changes to legislation this document will remain a live document until case law has identified appropriate amendments and/or further guidance is available.

**Drs BONAVIA, BERRY, SMITH,**

**GREEN, FALCUS, GANDHI, FORD & MAITLAND**

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Cleveland

TS18 2AT

SURGERY HOURS

By appointment only

**APPENDIX 1**

**Permission to use personal email address for personal information**

In signing this document I am giving permission to Tennant Street Medical Practice to send copies of my personal health notes to the email address below.

I understand that in sending the email Tennant Street Medical Practice will apply encryption using NHS mail but that the Practice cannot be held responsible if the information is accessed by someone other than myself once it has been delivered to my personal email inbox.

Please write clearly – we will not send emails to addresses that are not 100% legible. Please ensure that the information below matches the information on your health record. We will not send emails if the information provided does not match the information we hold on record for you.

Name:

Date of birth:

Home Address:

Email address:

I give the practice permission to store my email address securely for future use:

Yes No

Signed:

**APPENDIX 2**

**Tennant Street Medical Practice**

**Request to Register – Patient Information**

The Practice is committed to providing high quality services to all of our patients. We aim to be responsive to your needs and respect your privacy and dignity. We need you to help us achieve this.

We ask that all of our patients accept that they have certain responsibilities:

* That all requests for emergency same day treatment are made for genuine medical reasons where assessment or treatment should not be delayed. We will always see young children on the same day that you call and patients with emergency/urgent medical needs that day, but you may experience a wait.
* That home visits are only requested for patients that are housebound or terminally ill, or where their medical condition makes attending the Practice impossible.
* Upon invitation, attend our nurse led Clinics if you suffer from a long term condition eg heart disease, diabetes, asthma. Please let us know if you are unable or unwilling to attend.
* Remember you are responsible for your own health and the health of your children. We will provide professional help and advice, please act upon it.
* If you are unable to make an appointment you have booked, please let us know so that we can cancel the appointment in time that we can make it available to another patient who might need it.
* If you are going to be late, please contact us, we may be able to rearrange your appointment to a more convenient time. If you arrive more than 10 minutes late, then the Doctor or Nurse may be committed to seeing other patients and you may be asked to reschedule your appointment.
* It is important that you let us know if you change your name, address or telephone contact numbers.
* That you treat GPs and Practice staff with courtesy at all times. We operate a Zero Tolerance Policy against threatening, aggressive or violent behaviour and any form of discrimination. If this policy is not adhered to you will be removed from the Practice list.

We will always respect the confidential nature of your medical record, however we work with hospital doctors and other nurses and health care professionals to provide your care and we therefore need to ensure that they also have access to the necessary information about your medical history. We therefore recommend that you confirm your agreement to us sharing information in this way.

You do however have the right to change your mind regarding sharing your information at any time. If you decide you either wish to opt-in for your record being shared or opt-out you should inform your GP or nurse or a member of the Reception team.

If you are happy to accept these responsibilities please sign and date this letter, then complete the registration form attached and hand it to the receptionist.

Name……………………………………………………

Signature……………………………………………….

**Request to Register Questionnaire**

In order to register you must provide 1 photo ID and 2 proofs of address for identification purposes

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Date of request | |  | | | | | |
| Full name | |  | | | | | |
| Address | |  | | | | | |
| Home telephone number | |  | | | | | |
| Mobile telephone number | |  | | | | | |
| Email address | |  | | | | | |
| Date of birth | |  | | | | | |
| Place of birth | |  | | | | | |
| Name and address of previous GP | | | |  | | | |
| Reason for changing GP | | | |  | | | |
| Have you ever been refused registration at another GP practice? If yes please give reason | | | | |  | | |
| Have you ever been removed from another practice list? If yes please give reason. | | | | |  | | |
| Address(es) in the  last 12 months if  different from above |  | | | | | | |
| What is your ethnic origin? | | |  | | | | |
| Do you have special requirement we need to consider? (eg literature in large type, interpreter services, housebound etc) | | | | | |  | |
| Are you on regular repeat medication? If yes, please attach a list from your previous surgery | | | | | | | Yes  No |
| Do you want access to on-line services to order repeat prescriptions? | | | | | | | Yes  No |
| Do you consent to us sharing your medical records with other health care professionals involved in your care? Please note you can change your mind about this decision at any time. | | | | | | | Yes  No |
| Do you consent to us using your mobile number to communicate with you via text message for appointment reminders and health campaigns? Please note you can change your mind about this decision at any time. | | | | | | | Yes  No |
| Are you interested in joining the Patient Participation Group? | | | | | | | Yes  No |