|  |
| --- |
| **How your information is shared so that this practice can meet legal requirements**The law requires Caen Medical Centre to share information from your medical records in certain circumstances. Information is shared so that the NHS or Public Health England can, for example:* plan and manage services;
* check that the care being provided is safe;
* prevent infectious diseases from spreading.

We will share information with NHS Digital, the Care Quality Commission and local health protection team (or Public Health England) when the law requires us to do so. Please see below for more information.We must also share your information if a court of law orders us to do so. |

|  |
| --- |
|  **NHS Digital*** NHS Digital is a national body which has legal responsibilities to collect information about health and social care services.

 * It collects information from across the NHS in England and provides reports on how the NHS is performing. These reports help to plan and improve services to patients.

 * This practice must comply with the law and will send data to NHS Digital, for example, when it is told to do so by the Secretary of State for Health or NHS England under the Health and Social Care Act 2012.
* More information about NHS Digital and how it uses information can be found at:

<https://digital.nhs.uk/home> |

|  |
| --- |
| **Care Quality Commission (CQC)*** The CQC regulates health and social care services to ensure that safe care is provided.
* The law says that we must report certain serious events to the CQC, for example, when patient safety has been put at risk.
* For more information about the CQC see: <http://www.cqc.org.uk/>
 |

|  |
| --- |
| **Public Health*** The law requires us to share data for public health reasons, for example to prevent the spread of infectious diseases or other diseases which threaten the health of the population.
* We will report the relevant information to local health protection team or Public Health England.
* For more information about Public Health England and disease reporting see: <https://www.gov.uk/guidance/notifiable-diseases-and-causative-organisms-how-to-report>
 |

|  |
| --- |
| Third party processorsIn order to deliver the best possible service, the practice will share data (where required) with other NHS bodies such as other GP practices and hospitals. In addition the practice will use carefully selected third party service providers. When we use a third party service provider to process data on our behalf then we will always have an appropriate agreement in place to ensure that they keep the data secure, that they do not use or share information other than in accordance with our instructions and that they are operating appropriately. Examples of functions that may be carried out by third parties includes:* Companies that provide IT services & support, including our core clinical systems; systems which manage patient facing services (such as our website and service accessible through the same); data hosting service providers; systems which facilitate appointment bookings or electronic prescription services; document management services etc.
* Delivery services (for example if we were to arrange for delivery of any medicines to you).
* Payment providers (if for example you were paying for a prescription or a service such as travel vaccinations).
 |

We are required by law to provide you with the following information about how we handle your information and our legal obligations to share data.

EMIS Health delivers services to the medical centre to support the electronic management of the medical records of our patients. Delivery of the services is subject to the terms of the GP Systems of Choice Framework (**GPSOC**) which is managed by NHS Digital on behalf of the Secretary of State for Health. EMIS Health, is changing certain technical aspects of the way in which it delivers services to us (see <http://www.emisnug.org.uk/blog/next-generation-emis-x-announced>), and as part of this transition it will be moving the data which it hosts on our behalf from its own data centre to a third party data centre, which is owned and operated by Amazon Web Services (**AWS**).

The Exercise will involve a change to the manner in which data is being processed on our behalf. Although this change does not introduce processing that is likely to result in a high risk to individuals given that the data includes special category data we nevertheless feel that it is appropriate that we undertake a review. A data impact assessment has been undertaken which has been overseen by the DPO

|  |  |
| --- | --- |
| **Data Controller** contact details | Caen Medical CentreTelephone number 01271 818030 |
| **Data Protection Officer** contact details | Bex LovewellTelephone number 07375322875Email bex.lovewell@nhs.net |
| **Purpose** of the processing | Compliance with legal obligations or court order.  |
| **Lawful basis** for processing | The following sections of the GDPR mean that we can share information when the law tells us to.Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject…’Article 9(2)(h) – ‘processing is necessary for the purpose of preventative…medicine…the provision of health or social care or treatment or the management of health or social care systems and services...’ |
| **Recipient or categories of recipients** of the processed data | * The data will be shared with NHS Digital.
* The data will be shared with the Care Quality Commission.
* The data will be shared with our local health protection team or Public Health England.
* The data will be shared with the court if ordered.
 |
| **Rights to object and the national data opt-out**  | There are very limited rights to object when the law requires information to be shared but government policy allows some rights of objection as set out below.NHS Digital* You have the right to object to information being shared with NHS Digital for reasons other than your own direct care.
* This is called a ‘Type 1’ objection – you can ask your practice to apply this code to your record.
* Please note: The ‘Type 1’ objection, however, will no longer be available after 2020.
* This means you will not be able to object to your data being shared with NHS Digital when it is legally required under the Health and Social Care Act 2012.

Public health* Legally information must be shared under public health legislation. This means that you are unable to object.

Care Quality Commission* Legally information must be shared when the Care Quality Commission needs it for their regulatory functions. This means that you are unable to object.

Court order* Your information must be shared if it ordered by a court. This means that you are unable to object.
 |
| **Right to access and correct** | * You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy available at the practice
* We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.
 |
| **Retention period** | GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016> or speak to the practice. |
| **Right to complain** | You have the right to complain to the Information Commissioner’s Office. If you wish to complain follow this link <https://ico.org.uk/global/contact-us/> or call the helpline **0303 123 1113** |