**Tay Court Surgery**

**PRACTICE FAIR PROCESSING**

**& PRIVACY NOTICE**

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**Data Protection Notice**

1. **About Us**

Tay Court Surgery is a GP Primary Care Practice. We aim to provide the highest standard of medical care to our patients. In order to allow us to do this we keep records about our patients, their health and and the care that we provide.

Tay Court Surgery processes personal identifiable information that relates to patients and is therefore required by law to comply with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018, which protect your privacy and ensure that your personal information is processed fairly and lawfully.

1. **About the personal information we use**

We store and process personal information on different groups of individuals including:

* Patients
* Staff
* Contractors
* Suppliers
* Complainants, enquirers
* 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.

For our Staff, we also store and process personal information relevant to their employment such as employment records, National Insurance numbers, bank details and salary details.

We also store and process more sensitive types of personal information, including information about racial or ethnic origin; religious beliefs; genetic and biometric data; health; sexual orientation.

The information we use can relate to personal and family details; education, training and employment details; financial details; lifestyle and social circumstances. Data formats can include text, visual images, photographs and Medical Imaging results. We also recorded all incoming and outgoing telephone calls for monitoring & training purposes. This data is not retained as part of any long-term records.

**3. Our purposes for using personal information**

In order to allow us to fulfil our duties as healthcare providers we are required to collect and store information on our patients and their health. This information is used to:

* Provide a basis for clinicians to make healthcare decisions
* Ensure patient’s care is safe and effective
* Work effectively with other health and social care organisations involved in patient care
* Contact details (postal addresses, email addresses and telephone and mobile numbers) may be used to allow us to contact patients concerning their care

Data from our records may also be used for the following:

* Public health reasons
* Future service planning
* Statistical analysis
* Investigating complaints, concerns or legal claims
* Quality Assurance and staff training within the Practice
* Medical Research. All Medical Research projects and requests are approved by the NHS. All research projects must detail exactly what data they require and how it will be store/processed/disposed of.

The personal information that we store regarding our own staff can be used for the following:

* Processing salaries
* Staff reviews & appraisals
* Maintaining accurate staff records

**4. Our legal basis for using personal information**

Tay Court Surgery, as data controller, is required to have a lawful basis under the GDPR when using personal information. Tay Court Surgeryconsiders that performance of our primary tasks and functions (ie acting as a GP Practice) are in the public interest as covered by Article 6(1)(e). Under the GDPR Regulations we are also required to identify a condition for processing special category data. We consider that our use of this data falls under Article 9 (2) (h). In some situations we may rely on a different legal basis; for example, for compliance with a legal obligation to which Tay Court Surgeryis 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, or when you are having a minor surgical procedure.

Tay Court Surgery also holds and processes personal data regarding employees. This personal data is separately processed and held under Article 6(1)(b). This Article gives us a lawful basis for processing where “processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract”.

1. **Who provides the personal information**

When you (or your representative) 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 the UK. These include NHS Boards and primary care contractors such as dentists, community pharmacies and opticians; other public bodies e.g. Local Authorities and suppliers of goods and services.

1. **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
* People making an enquiry or complaint
* Financial organisations
* Professional bodies
* Business associates
* Police forces
* Security organisations
* Central and local government
* Voluntary and charitable organisations

### 7. 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 NHSScotland Information Security Policy.

**8 Retention periods of the information we hold**

WithinTay Court Surgery we keep personal information as set out in the Scottish Government Records Management: NHS Code of Practice (Scotland) Version 2.1 January 2012. 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. We maintain a retention schedule detailing the minimum retention period for the information and procedures for the safe disposal of personal information.

**9. 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 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

**10. Your rights**

This section contains a description of your data protection rights.

* **The right to be informed**

We 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 request this information by contacting the Practice Manager at the following address:

Tay Court Surgery

50, South Tay Street

DUNDEE

DD1 1PF

Once we have received 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. 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 Tay Court Surgery 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 Tay Court Surgery has responded to your request for rectification we will provide you withinformation on how you can complain to the Information Commissioner’s Office.

* **The right to object**

When Tay Court Surgery 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 Tay Court Surgery 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.

* **Other rights**

There are other rights under current Data Protection Law however these rights only apply in certain circumstances. If you wish further information on these rights please contact the Practice Manager.

* **The right to complain**

NHS Tayside employs a Data Protection Officer to check that personal information is used in a way that meets data protection law. NHS Tayside’s Data Protection Officers contact details are.

Data Protection Officer, Maryfield House (South), Mains Loan, Dundee, DD4 7BT, Telephone 01382 424436

informationgovernance.tayside@nhs.net

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](http://www.ico.org.uk).

1. **Translation Service/ Accessibility**

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