

# SUPPLEMENTARY PRIVACY NOTICE COVID-19

## Graham Road Surgery

Please read this COVID-19 specific privacy notice ('Privacy Notice') carefully, as it contains important information about how we use the personal and healthcare information we collect on your behalf. This notice describes how we may use your information to protect you and others during the Covid-19 outbreak. It supplements our main Privacy Notice which is also available on request and available on the practice website.

The health and social care system is facing significant pressures due to the Covid-19 outbreak. Health and care information is essential to deliver care to individuals, to support health and social care services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations.

Existing law which allows confidential patient information to be used and shared appropriately and lawfully in a public health emergency is being used during this outbreak. Using this law the Secretary of State has required NHS Digital; NHS England and Improvement; Arms Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information to respond to the Covid-19 outbreak.

Any information used or shared during the Covid-19 outbreak will be limited to the period of the outbreak unless there is another legal basis to use the data. Further information can be found on the [www.gov.uk](http://www.gov.uk) website.

During this period of emergency, opt-outs will not generally apply to the data used to support the Covid-19 outbreak, due to the public interest in sharing information. This includes National Data Opt-outs. However in relation to the Summary Care Record, existing choices will be respected. Where data is used and shared under these laws your right to have personal data erased will also not apply. It may also take us longer to respond to Subject Access requests, Freedom of Information requests and new opt-out requests whilst we focus our efforts on responding to the outbreak.

In order to look after your health and care needs we may share your confidential patient information including health and care records with clinical and non clinical staff in other health and care providers, for example neighboring GP practices, hospitals and NHS 111. We may also use the details we have to send public health messages to you, either by phone, text or email. [Is there anyone else information will be shared with for individual care? If so please add here].

During this period of emergency we may offer you a consultation via telephone or videoconferencing. By accepting the invitation and entering the consultation you are consenting to this. Your personal/confidential patient information will be safeguarded in the same way it would with any other consultation.

We will also be required to share personal/confidential patient information with health and care organisations and other bodies engaged in disease surveillance for the purposes of protecting public health, providing healthcare services to the public and monitoring and managing the outbreak.

NHS England and Improvement and NHSX have developed a single, secure store to gather data from across the health and care system to inform the Covid-19 response. This includes data already collected by NHS England, NHS Improvement, Public Health England and NHS Digital. New data will include 999 call data, data about hospital occupancy and A&E capacity data as well as data provided by patients themselves. All the data held in the platform is subject to strict controls that meet the requirements of data protection legislation.

In such circumstances where you tell us you're experiencing Covid-19 symptoms we may need to collect specific health data about you. Where we need to do so, we will not collect more information than we require and we will ensure that any information collected is treated with the appropriate safeguards.

We may amend this privacy notice at any time so please review it frequently. The date at the bottom of this page will be amended each time this notice is updated.

# **CORONAVIRUS PANDEMIC-DATA PROTECTION**

## **Coronavirus (COVID-19) pandemic and your information**

The ICO recognises the unprecedented challenges the NHS and other health professionals are facing during the Coronavirus (COVID-19) pandemic.

The ICO also recognise that 'Public bodies may require additional collection and sharing of personal data to protect against serious threats to public health.'

The Government have also taken action in respect of this and on 20<sup>th</sup> March 2020 the Secretary of State for Health and Social Care issued a Notice under Regulation 3(4) of The Health Service Control of Patient Information (COPI) Regulations 2002 requiring organisations such as GP Practices to use your information to help GP Practices and other healthcare organisations to respond to and deal with the COVID-19 pandemic.

In order to look after your healthcare needs during this difficult time, we may urgently need to share your personal information, including medical records, with clinical and non clinical staff who belong to organisations that are permitted to use your information and need to use it to help deal with the Covid-19 pandemic. This could (amongst other measures) consist of either treating you or a member of your family and enable us and other healthcare organisations to monitor the disease, assess risk and manage the spread of the disease.

Please be assured that we will only share information and health data that is **necessary** to meet yours and public healthcare needs.

The Secretary of State for Health and Social Care has also stated that these measures are temporary and will expire on **30<sup>th</sup> September 2020** unless a further extension is required. Any further extension will be provided in writing and we will communicate the same to you.

Please also note that the data protection and electronic communication laws do not stop us from sending public health messages to you, either by phone, text or email as these messages are not direct marketing.

It may also be necessary, where the latest technology allows us to do so, to use your information and health data to facilitate digital consultations and diagnoses and we will always do this with your security in mind.

If you are concerned about how your information is being used, please contact our DPO using the contact details provided in this Privacy Notice.

## **HOW WE LOOK AFTER YOUR PERSONAL INFORMATION WHEN WORKING FROM HOME DURING THE COVID-19 PANDEMIC?**

In accordance with government guidance and in order to protect the health and safety of our staff during this difficult period we will be requiring all [administrative] staff to work from home.

This means that staff may have access to any necessary personal and/or medical information in order to look after your healthcare needs.

We would like to assure you that our staff will be subject to all relevant security procedures and policies of the Practice to ensure that any information is kept safe, secure and confidential at all times.

If you have any concerns about how your information may be used please contact our DPO who will be happy to assist with your enquiry.

## **YOUR SUMMARY CARE RECORD AND CHANGES DURING COVID-19**

Your summary care record is an electronic record of your healthcare history (and other relevant personal information) held on a national healthcare records database provided and facilitated by NHS England. This record may be shared

with other healthcare professionals and additions to this record may also be made by relevant healthcare professionals and organisations involved in your direct healthcare.

In light of the current emergency, the Department of Health and Social Care has removed the requirement for a patient's prior explicit consent to share Additional Information as part of the Summary Care Record.

This is because the Secretary of State for Health and Social Care has issued a [legal notice to healthcare bodies requiring them to share confidential patient information with other healthcare bodies where this is required to diagnose, control and prevent the spread of the virus and manage the pandemic](#). This includes sharing Additional Information through Summary Care Records, unless a patient objects to this.

If you have already expressed a preference to only have Core information shared in your Summary Care Record, or to opt-out completely of having a Summary Care Record, these preferences will continue to be respected and this change will not apply to you. For everyone else, the Summary Care Record will be updated to include the Additional Information. This change of requirement will be reviewed after the current coronavirus (COVID-19) pandemic.

The sharing of this additional information during the pandemic period will assist healthcare professionals involved in your direct care and has been directed via the Control of Patient Information (COPI) Covid-19 – Notice under Regulation 3(4) of the Health Service Control of Patient Information Regulations 2002.

## **WHY WE HAVE MADE THIS CHANGE?**

In order to look after your health and care needs, Health and Social Care bodies may share your confidential patient Information contained in your Summary Care Record with clinical and non-clinical staff in other health and care organisations for example, hospitals, NHS 111 and out of hours organisations. These changes will improve the healthcare that you receive away from your usual GP Practice.

## **YOUR RIGHTS AND YOUR SUMMARY CARE RECORD?**

Regardless of your past decisions about your Summary Care Record preferences, you will still have the same options that you currently have in place to opt out of having a Summary Care Record, including the opportunity to opt-back in to having a Summary Care Record or opt back in to allow sharing of Additional Information. You can exercise these rights by doing the following:

1. **Choose to have a Summary Care Record with all information shared.** This means that any authorised, registered and regulated health and care professionals will be able to see a detailed Summary Care Record, including Core and Additional Information, if they need to provide you with direct care.
2. **Choose to have a Summary Care Record with Core information only.** This means that any authorised, registered and regulated health and care professionals will be able to see limited information about allergies and medications in your Summary Care Record if they need to provide you with direct care.
3. **Choose to opt-out of having a Summary Care Record altogether.** This means that you do not want any information shared with other authorised, registered and regulated health and care professionals involved in your direct care. You will not be able to change this preference at the time if you require direct care away from your GP practice.

This means that no authorised, registered and regulated health and care professionals will be able to see information held in your GP records if they need to provide you with direct care, including in an emergency. To make these changes, you should inform your GP practice or complete this [form](#) and return it to your GP practice.

Health and care organisations have until 2020 to put systems and processes in place so they can be compliant with the national data opt-out and apply your choice to any confidential patient information they use or share for purposes beyond your individual care. \*\*Practice is currently compliant with the national data opt-out policy.

We carefully consider any personal information that we store about you, and we will not keep your information for longer than is necessary for the purposes as set out in this Privacy Notice.

## **NHS DIGITAL GP DATA FOR PLANNING AND RESEARCH**

NHS Digital has been legally directed to collect and analyse healthcare information about patients from their GP record for the duration of the coronavirus emergency period. The British Medical Association, the Royal College of General Practitioners and the National Data Guardian are all supportive of this approach.

NHS Digital will analyse the data and securely and lawfully share data with other appropriate organisations described below for coronavirus response purposes only. These purposes include:

- carrying out vital research into treatments and vaccines for the virus, including clinical trials
- identifying coronavirus trends and risks to public health
- diagnosing and monitoring the effects of coronavirus
- controlling and helping to prevent the spread of the virus
- planning and providing health, social care and other public services in response to coronavirus (COVID-19)
- helping clinicians, scientists, public health bodies and the government to provide guidance and develop policies to respond to the outbreak
- monitoring and managing the outbreak

## **OUR LAWFUL BASIS FOR PROCESSING THIS INFORMATION**

NHS Digital is the controller of the personal data collected and analysed above under the General Data Protection Regulation 2016 (GDPR) jointly with the Secretary of State for Health and Social Care, who has directed NHS Digital to collect, analyse and in certain circumstances disseminate this data under the [COVID-19 Public Health Directions 2020](#) (COVID-19 Directions).

All GP practices in England are legally required to share data with NHS Digital for this purpose under the Health and Social Care Act 2012 (2012 Act). More information about this requirement is contained in the [Data Provision Notice issued by NHS Digital to GP practices](#).

NHS Digital has various powers to share personal data which are explained below under 'Who we share your personal data with'. Under GDPR our legal basis for collecting and analysing this data is Article 6(1)(c) - legal obligation. Our legal basis for collecting and analysing personal data relating to health, will be Article 9(2)(g) – substantial public interest, for the purposes of NHS Digital exercising its statutory functions under the COVID-19 Directions. Our legal basis for sharing personal data under GDPR will depend on the organisation we are sharing the data with and their purposes for using the data. This will include:

- Article 6(1)(c) – legal obligation, for example where the [NHS Digital COPI Notice](#) applies
- Article 6(1)(d) – vital interests, for example where it is necessary to protect your or other patients' vital interests
- Article 6(1)(e) – public task, for example where we are sharing data with another public authority for the purposes of them exercising their statutory or governmental functions
- Article 6(1)(f) – legitimate interests, for example where we are sharing information with a research organisation to carry out vital coronavirus research Our legal basis for sharing personal data under GDPR relating to health will include:
  - Article 9(2)(g) – substantial public interest, for the purposes of NHS Digital exercising its statutory functions or for other organisations exercising their governmental or statutory functions
  - Article 9(2)(h) – health or social care purposes
  - Article 9(2)(i) – public health purposes
  - Article 9(2)(j) – scientific research or statistical purposes.

**For Further information please visit** <https://digital.nhs.uk/coronavirus>

## **TEXT AND VIDEO MESSAGING**

As mentioned above, during this period of emergency we may offer you a consultation via telephone or videoconferencing. By accepting the invitation and entering the consultation you are consenting to this. Your personal/confidential patient information will be safeguarded in the same way it would with any other consultation. Because we are obliged to protect any confidential information we hold about you and we take this very seriously, it is imperative that you let us know immediately if you change any of your contact details.

We may contact you using SMS texting to your mobile phone in the event that we need to notify you about appointments and other services that we provide to you involving your direct care, therefore you must ensure that we have your up to date details. This is to ensure we are sure we are actually contacting you and not another person.

## **THE DATA PROTECTION OFFICER**

The Data Protection Officer for the Surgery is Kelly-Anne Gast. You can contact her if:

- A. You have any questions about how your information is being held;
- B. If you require access to your information or if you wish to make a change to your information;
- C. If you wish to make a complaint about anything to do with the personal and healthcare information we hold about you;
- D. Or any other query relating to this Policy and your rights as a patient.

Kelly can be contacted here:

[kelly@almc.co.uk](mailto:kelly@almc.co.uk)

## **CHANGES TO THIS SUPPLEMENTARY PRIVACY NOTICE**

We regularly review and update our Privacy Notice. This Privacy Notice was last updated on 20/08/2020 and will only be referred to during the coronavirus pandemic. This Privacy Notice is only currently valid until September 2020 unless any changes in legislation occur and this notice will have to be extended.