EYEMOUTH MEDICAL PRACTICE Privacy Notice

Eyemouth Medical Practice, acting under the National Health Service (Scotland) Act 1978, is contracted to provide NHS services on behalf of NHS Borders, which is one of the organisations which form part of NHS Scotland (**NHSS**).

About the personal information we use

We use personal information on different groups of individuals including;

* Patients
* Staff
* Contractors
* Suppliers
* Professional experts and consultations

The personal information we use includes information that identifies you like your name, address, date of birth and postcode.

We may also collect more sensitive types of personal information; this is known as Special Category data and can include; Racial or ethnic origin, religious or philosophical beliefs, genetic and biometric data, health, sex life or sexual orientation.

CCTV

NHS Borders operates CCTV at our facilities for the purposes of maintaining the security of property and premises and for preventing and investigating crime. CCTV is managed by NHS Borders and any queries should be directed to DPO@borders.scot.nhs.uk.

Our Purpose for using personal information

Under the 1978 Act, Eyemouth Medical Practice has the statutory responsibility to provide or arrange for the provision of healthcare. We act to promote the improvement of physical and mental health, conduct research, review performance of services, deliver education and training and assist in operating a comprehensive and integrated health service in Scotland.

Data Controller

Eyemouth Medical Practice is the Data Controller for any personal information that we hold about you

Our legal basis for using personal information

Eyemouth Medical Practice, as data controller, is required to have a legal basis when using personal information. Eyemouth Medical Practice considers that performance of our tasks and functions are in the public interest. So when using personal information our legal basis is usually that its use is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us. In some situations we may rely on a different legal basis; for example, when we are using personal information to pay a supplier, our legal basis is that its use is necessary for the purposes of our legitimate interests as a buyer of goods and services.

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
* 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.

Who provides the personal information

Information that may not be directly obtained from you, can be received from other individuals and organisation involved in the delivery of your health and care in Scotland. These include; Other NHS Boards; other GP Surgeries; Community Care providers; Opticians; Pharmacists; Mental Health; other public bodies e.g. Local Authorities. This information may be provided electronically or in paper form or a mixture of both. We use a combination of technologies and working practice to ensure that we keep your information secure and confidential.

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

From time to time we may also ask other health care organisations or companies to process your data on our behalf to help provide you with the best possible care.

Data will only be processed on the instructions of your GP as part of a written contract. All data processors will comply with data protection legislation.

Your personal data will be treated as strictly confidential but anonymised summary data may be collated for the purposes of reporting and research.

Any patient that has asked the practice to restrict the viewing of their record will not be included in the data processing.

Emergency Care Summary (ECS)

In addition, NHS Scotland have implemented the Emergency Care Summary which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health record plays a vital role in delivering the best care and a coordinated response, taking into account all aspects of a person’s physical and mental health. Many patients are understandably not able to provide a full account of their care, or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting.

Your record will be automatically setup to be shared with the organisations listed above however, you have the right to ask your GP to disable this function or restrict access to specific elements of your record. This will mean that the information recorded by your GP will not be visible at any other care setting.

You can also reinstate your consent at any time by giving your permission to override your previous dissent.

Scottish Primary Care Information Resource (SPIRE)

SPIRE (Scottish Primary Care Information Resource) is a service that has been developed to help GPs, the NHS in Scotland and researchers to learn from information held at GP practices

SPIRE will be used to help plan for Scotland’s health and care needs. It allows information from GP patient records to be transferred electronically and held securely at NHS National Services Scotland, the NHS Scotland organisation responsible for health statistics.

It uses information from GP practices all over Scotland in a safe and secure way.

NHS organisations and approved researchers will be able to use SPIRE in ways that could help you and everyone in Scotland.

Retention periods of the information we hold

Within Eyemouth Medical Practice we keep personal information as set out in the Records Management: Health & Social Care Code of Practice (Scotland) (Scottish Government, 2020. The 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. As directed by the Scottish Government in the Records Management Code of Practice, we maintain a retention schedule, detailing the minimum retention period for the information and procedures for the safe disposal of personal information.

How we protect personal information

We take care to ensure your personal information is only accessible to authorised people. Our staff members 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 mandatory 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

Your rights

# *The right to be informed*

Eyemouth Medical Practice 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 do this by contacting:

The Practice Manager,

Eyemouth Medical Practice,

Houndlaw Park,

Eyemouth.

TD14 4DD

Once we have details of 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 Eyemouth Medical Practice 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 Eyemouth Medical Practice has responded to your request for rectification we will provide you with information on how you can complain to the Information Commissioner’s Office or how to take legal action.

# *The right to object*

When Eyemouth Medical Practice 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 Eyemouth Medical Practice 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.

# *The right to complain*

If you are unhappy with the way in which we use your personal information please contact us using the details below.

Write to
The Practice Manager,

Eyemouth Medical Practice,

Houndlaw Park,

Eyemouth.

TD14 4DD

Or telephone the Practice Manager on 08907 50599

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.nhsborders.scot.nhs.uk/www.ico.org.uk) or you can contact them in writing at :

Information Commissioner’s Office

Wycliffe House,

Water Lane,

Wilmslow,

Cheshire

SK9 5AF

Helpline number: 0303 123 1113

Data Protection Officer

Email: DPO@borders.scot.nhs.uk

Or write to:
Data Protection Officer
NHS Borders
Kelso Hospital
Inch Road
Kelso
TD5 7JP