

Privacy Notice – Direct Care

Plain English Explanation

This privacy notice explains why health and care organisations share information about you and how that information may be used in the Connecting Your Care program.

The health and care professionals who look after you keep their records in specialist systems that contain details of any treatment or care you have received or are receiving from them. These records may be electronic, on paper, or a combination of both, and a combination of working practices and technology ensures your information is kept confidential and secure.

Connecting your Care provides health and care professionals with a secure electronic summary view of the information organisations want to share about you. This provides the people looking after you with important information from other services you use so they can quickly assess you and make the best decision or plans about your care.

The information which health and care organisations can share about you might include the following information:

- Details about you, such as address, contact details and next of kin
- Any contact the health or care provider has had with you, such as appointments, clinic visits, emergency appointments, etc.
- Notes/reports and assessments about your health and care
- Details about your planned treatment and care
- Results of investigations, such as blood tests, scans, x-rays, etc.
- Relevant information from other health and care professionals, relatives or those who care for you
- Care and support you may be receiving from Social Care services
- Urgent care and NHS 111 visits/calls
- London Ambulance Service calls.

As part of this Privacy Notice, we are legally obliged to provide you with the following information. To assist in understanding the terms of this Notice, we have included definitions where indicated.

1) **Controllers'** contact details.

Elborough Street Surgery
81-83 Elborough Street
London
SW18 4GS

2) **Data Protection Officer** contact details

Our ICO Registration Number is: Z727924X
Our Data Protection Officer is Ms Laura Watson
Email: swl.gdpdo@swlondon.nhs.uk
South West London Integrated Care System
120 The Broadway,
Wimbledon,
SW19 1RH

<p>3) Purpose of the processing (sharing)</p>	<p>Information will be shared to facilitate “direct care” delivered to the individual, where a health or care organisation has direct contact with a patient or service user to provide immediate care, treatment or services. Direct Patient Care is defined as:</p> <p>“a clinical, social or public health activity concerned with the prevention, investigation and treatment of illness and the alleviation of suffering of individuals. It includes supporting individuals' ability to function and improve their participation in life and society. It includes the assurance of safe and high-quality care and treatment through local audit, the management of untoward or adverse incidents, person satisfaction including measurement of outcomes undertaken by one or more registered and regulated health or social care professionals and their team with whom the individual has a legitimate relationship for their care”.</p> <p>Information: To Share or Not To Share? Dame Fiona Caldicott, April 2013 https://www.gov.uk/government/publications/the-information-governance-review</p>
<p>4) Lawful basis for processing (sharing)</p> <p>“Processing involves any operation performed on personal data, whether or not by automated means. This includes collection, use, recording, feeding it to machine learning algorithms.”</p>	<p>The processing (sharing) of personal data in the delivery of direct care and for providers’ administrative purposes in this organisation, and in support of direct care elsewhere, is supported under the following Article 6 and 9 conditions of the Data Protection Act 2018/General Data Protection Regulation 2016:</p> <p><i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or the exercise of official authority...’.</i></p> <p><i>Article 9(2)(h) ‘necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...’</i></p> <p>Health and social care services have a legal obligation to share information about you from their records if it is in your best interests for direct care.</p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”.</p>

	<p>“Common Law Duty of Confidentiality”</p> <p>Common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or 'case' law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.</p> <p>The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent or, in the absence of consent, a legitimising purpose.</p>
<p>5) The Sources of the Data and the Recipient or categories of recipients of the processed data</p>	<p>Information is shared between all the health and care organisations that are part of the Connecting your Care programme.</p> <p>For the full list of organisations participating in Connecting Your Care, please see our website: www.swlondon.nhs.uk/connectingyourcare.</p> <p>Categories of recipients Only health and care professionals in each defined organisation providing care or services can see your information.</p> <p>This Privacy Notice will be reviewed and updated annually, as required, or in the event of significant change. The list of organisations participating in Connecting Your Care will be updated each time new partners join the programme.</p>
<p>6) Rights to object</p>	<p>You have the right to object to some or all of your information being processed (shared) under current data protection legislation (Article 21 of the General Data Protection Regulations 2016 and the Data Protection Act 2018).</p> <p>You are advised that whilst under this legislation, you have the right to object; this right is not absolute about health and care data being shared for direct care under the lawful bases for sharing as described in section 4 of this Privacy Notice.</p> <p>Section 2 of this Privacy Notice contains the contact details for each organisation's DPO, as displayed by each organisation or on its website.</p>

7) Right to access and rectification	<p>You have the right to see the data being shared about you. This is known as ‘the right of subject access’. You can request this information from a provider.</p> <p>If your health or care provider holds information about you, and you make a subject access request, they will:</p> <ul style="list-style-type: none"> • Give you a description of it • Tell you why it is being held • Tell you who it could be shared with • Let you have a copy of the information in an intelligible form. <p>To make a Subject Access Request, write to your health or care provider’s Data Protection Officer. The contact details for the DPO for each organisation can be found in section 2 of this Privacy Notice as displayed by each organisation or on their website. Rectification</p> <p>You have the right to have inaccurate personal data rectified and, in some circumstances, removed. Requests to amend or delete data should be made to the individual Data Controller via the DPO, per the contact information in section 2 of this Privacy Notice.</p> <p>Under current data protection legislation, all data controllers are responsible for ensuring the information held about you is correct and up to date and must take all reasonable steps to correct or erase incorrect information as soon as possible.</p> <p>Each Data Controller will address all requests to amend or remove information on an individual basis. However, it should be noted that, for example, information recorded by a health or care professional that is believed to be correct at the time of documentation, even when subsequently updated, is unlikely to be removed.</p> <p>There is no right to have accurate medical records deleted except when ordered by a Court of Law.</p>
8) Retention Period	<p>Information held about you by each Data Controller will be retained in line with the law and national guidance.</p> <p>https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016.</p>
9) Right to Complain.	<p>You have the right to complain about how your information is used or shared if you think it has been shared inappropriately. Each provider will have a complaints process, and you must contact it directly to register a complaint.</p> <p>You can find the contact details and information about registering a complaint on each organisation’s website.</p> <p>You can also contact the Information Commissioner’s Office at https://ico.org.uk/global/contact-us/ or call their helpline at 0303 123 1113 (local rate) or 01625 545 745 (national rate).</p>

<p>10) OpenSAFELY</p>	<p>NHS England has been directed by the government to establish and operate the OpenSAFELY COVID-19 Service and the OpenSAFELY Data Analytics Service. These services provide a secure environment that supports research, clinical audit, service evaluation and health surveillance for COVID-19 and other purposes.</p> <p>Each GP practice remains the controller of its own GP patient data but is required to let approved users run queries on pseudonymised patient data. This means identifiers are removed and replaced with a pseudonym.</p> <p>Only approved users are allowed to run these queries, and they will not be able to access information that directly or indirectly identifies individuals.</p> <p>Patients who do not wish for their data to be used as part of this process can register a type 1 opt out with their GP</p> <p>Here you can find additional information about OpenSAFELY.</p>
------------------------------	--