

Privacy Notice

How we collect and use your personal information

This fair processing notice explains why the Company collects information about you and how that information may be used. The provisions below apply to all the services we provide which involve us in keeping records about you.

The health care professionals who provide you with care maintain records about your health and any treatment or care you have received previously (e.g. NHS Trust, GP Surgery, Walk-in clinic, etc.). These records help to provide you with the best possible healthcare.

NHS and non-NHS health records may be electronic, on paper or a mixture of both, and we use a combination of working practices and technology to ensure that your information is kept confidential and secure. Records which this Company holds about you may include the following information, which can be entered directly into our IT systems, received electronically into our IT systems, or on paper, in which case it is scanned into the system, then the paper copy destroyed:

- Details about you, such as your address, carer, legal representative, emergency contact details
- Any contact the surgery has had with you, such as appointments, clinic visits, emergency appointments, etc.
- Notes and reports about your health
- Details about your treatment and care
- Results of investigations such as laboratory tests, x-rays etc
- Relevant information from other health professionals, relatives or those who care for you

To ensure you receive the best possible care, your records are used to facilitate the care you receive. Information held about you may be used to help protect the health of the public and to help us manage our contracts with the NHS. Information may be used within the Company for clinical audit to monitor the quality of the service provided.

Some of this information will be held centrally and used for statistical purposes. Where we do this, we take strict measures to ensure that individual patients cannot be identified. Sometimes your information may be requested to be used for research purposes – the Company will always gain your consent before releasing the information for this purpose.

We will automatically seek consent from anyone aged 16 or over, but if we deem a younger person to be competent to understand, we may also seek consent from them, without involving a parent or guardian.

Risk Stratification

Risk stratification data tools are increasingly being used in the NHS to help determine a person's risk of suffering a particular condition, preventing an unplanned or (re)admission and identifying a need for preventive intervention. Information about you is collected from a number of sources including NHS Trusts and from this GP Practice. A risk score is then arrived at through an analysis of your de-identified information using software managed by our associated Data Processors:

Egton Medical Information Systems, partners and subsidiaries, HMR CCG (see <https://www.hmr.nhs.uk/index.php/services/data-protection> for details), NHS England, which collects data to manage the NHS and monitor service quality etc, and other providers of data processing systems with whom we or they may engage with from time to time and is only provided back to your GP as data controller in an identifiable form.

Risk stratification enables your GP to focus on preventing ill health and not just the treatment of sickness. If necessary your GP may be able to offer you additional services.

Please note that you have the right to opt out of your data being used in this way.

Medicines Management

The Company may be asked to participate in reviews of medications prescribed to its patients. This service performs a review of prescribed medications to ensure patients receive the most appropriate, up to date and cost effective treatments. This service is provided to practices within Greater Manchester Medicines Management Group.

How do we maintain the confidentiality of your records?

We are committed to protecting your privacy and will only use information collected lawfully in accordance with:

- The General Data Protection Regulation 2018. Under the General Data Protection Regulations 2018, the practice is defined as a “Data Controller” and has a legal right to gather and process your personal information under the following Articles of the Regulation:
The lawful basis for processing special category health data for direct care is that processing is:
‘necessary... in the exercise of official authority vested in the controller’ (Article 6(1)(e))
necessary for compliance with a legal obligation to which the controller is subject’ (Article 6(1)(c))
‘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...’ (Article 9(2)(h)).
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Health and Social Care Act 2012
- NHS Codes of Confidentiality, Information Security and Records Management
- The Caldicott Review “Information: To Share or Not to Share”

Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We have a programme of training for our staff in confidentiality principles, internal processes to ensure the physical security of our premises, and a policy of compliance with NHS rules on safe transfer of information when sharing your data with other agencies. We will only ever use or pass on information about you if others involved in your care have a genuine need for it. We will not disclose your information to any third party outside those listed below without your permission unless there are exceptional circumstances (i.e. life or death situations), where the law requires information to be passed on and / or in accordance with the Caldicott principle where “The duty to share information can be as important as the duty to protect patient confidentiality.” This means that health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by the Caldicott principles. They should be supported by the policies of their employers, regulators and professional bodies.

Who are our partner organisations?

Under the General Data Protection Regulation 2018, we may also have to share your information with the following organisations to comply with our legal duties set out in Article 6(1)(e) ‘...for the performance of a task carried out in the public interest...’ and Article 9(2)(j) ‘...research purposes...’; We therefore do not require your consent to share data with these agencies:

- NHS Trusts / Foundation Trusts
- Other local GP Practices and the Rochdale Health Alliance
- NHS Commissioning Support Units
- Independent Contractors such as dentists, opticians, pharmacists
- Private Sector Providers
- Voluntary Sector Providers
- Ambulance Trusts
- Clinical Commissioning Groups
- Social Care Services
- The Health and Social Care Information Centre (HSCIC) at NHS England HQ
- Local Authorities
- Education Services
- Fire and Rescue Services
- Police & Judicial Services
- Other ‘data processors’ which you will be informed of

You will be informed who your data will be shared with and in some cases asked for explicit consent for this happen when this is required.

We may also use external companies to process personal information, such as for archiving purposes. We will only use companies which are bound by contractual agreements to ensure information is kept confidential and secure.

Access to personal information

You have a right under the General Data Protection Regulation 2018 to request access to view or to obtain copies of what information the Company holds about you and to have it amended should it be inaccurate. In order to request this, you need to do the following:

- Your request can be made verbally or in writing to the Chief Officer – for information from the hospital you should write direct to them
- There will be no charge for a single copy, but there may be a charge to have more than one printed copy of the information held about you
- We are required to respond to you within 28 days
- You will need to give adequate information (for example full name, address, date of birth, NHS number and details of your request) so that your identity can be verified and your records located.

Objections / Complaints

If you are happy for your data to be extracted and used for the purposes described in this privacy notice then you do not need to do anything. If you have any concerns about how your data is shared then please contact the Chief Officer.

Cookies

There are Site and Service Terms and Conditions, and a Privacy and Usage Statement on our website which gives details of third party cookies we use to improve our services. We never use first party or tracking cookies on our website.

Change of Details

It is important that you tell the person treating you if any of your details such as your name or address have changed or if any of your details such as date of birth is incorrect in order for this to be amended. You have a responsibility to inform us of any changes so our records are accurate and up to date for you.

Notification

The General Data protection Regulation requires organisations to register a notification with the Information Commissioner to describe the purposes for which they process personal and sensitive information.

This information is publicly available on the Information Commissioners Office website www.ico.org.uk.

The Company is registered with the Information Commissioners Office (ICO), and has appointed a Data Protection Officer to ensure we comply with the GDPR. You can contact the DPO using the contact details on our website to ask for a message to be sent to them.

Who is the Data Controller?

The Data Controller, responsible for keeping your information secure and confidential is:

GP Care Services Ltd. Our ICO registration number is **Z182439**

Complaints

Should you have any concerns about how your information is managed by the Company please contact the Chief Officer.

If you are still unhappy following a review by the Company, you can then complain to the Information Commissioners Office (ICO). Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF www.ico.org.uk email: casework@ico.org.uk telephone: 0303 123 1113 (local rate) /01625 545 700.

Privacy Notice for Job Applicants

In accordance with the General Data Protection Regulation (GDPR), we have implemented this privacy notice to inform you, as prospective employees of our Company, of the types of data we process about you. We also include within this notice the reasons for processing your data, the lawful basis that permits us to process it, how long we keep your data for and your rights regarding your data.

A) DATA PROTECTION PRINCIPLES

Under GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

- a) processing is fair, lawful and transparent
- b) data is collected for specific, explicit, and legitimate purposes
- c) data collected is adequate, relevant and limited to what is necessary for the purposes of processing
- d) data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- e) data is not kept for longer than is necessary for its given purpose
- f) data is processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- g) we comply with the relevant GDPR procedures for international transferring of personal data

B) TYPES OF DATA HELD

We keep several categories of personal data on our prospective employees in order to carry out effective and efficient processes. We keep this data in recruitment files relating to each vacancy and we also hold the data within our computer systems, for example, recruitment logs.

Specifically, we hold the following types of data:

- a) personal details such as name, address, phone numbers;
- b) name and contact details of your next of kin;
- c) your photograph;
- d) your gender, marital status, information of any disability you have or other medical information;
- e) right to work documentation;
- f) information on your race and religion for equality monitoring purposes;
- g) information gathered via the recruitment process such as that entered into a CV or included in a CV cover letter;
- h) references from former employers;
- i) details on your education and employment history etc;
- j) driving licence;
- k) criminal convictions.

C) COLLECTING YOUR DATA

You provide several pieces of data to us directly during the recruitment exercise.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers when gathering references or credit reference agencies.

Should you be successful in your job application, we will gather further information from you, for example, your bank details and next of kin details, once your employment begins.

D) LAWFUL BASIS FOR PROCESSING

The law on data protection allows us to process your data for certain reasons only.

The information below categorises the types of data processing we undertake and the lawful basis we rely on.

Activity requiring your data	Lawful basis
Carrying out checks in relation to your right to work in the UK	Legal obligation
Making reasonable adjustments for disabled employees	Legal obligation
Making recruitment decisions in relation to both initial and subsequent employment e.g. promotion	Our legitimate interests
Making decisions about salary and other benefits	Our legitimate interests
Making decisions about contractual benefits to provide to you	Our legitimate interests
Assessing training needs	Our legitimate interests
Dealing with legal claims made against us	Our legitimate interests
Preventing fraud	Our legitimate interests

E) SPECIAL CATEGORIES OF DATA

Special categories of data are data relating to your:

- a) health
- b) sex life
- c) sexual orientation
- d) race
- e) ethnic origin
- f) political opinion
- g) religion
- h) trade union membership
- i) genetic and biometric data.

We carry out processing activities using special category data:

- a) for the purposes of equal opportunities monitoring
- b) to determine reasonable adjustments

Most commonly, we will process special categories of data when the following applies:

- a) you have given explicit consent to the processing

- b) we must process the data in order to carry out our legal obligations
- c) we must process data for reasons of substantial public interest
- d) you have already made the data public.

F) FAILURE TO PROVIDE DATA

Your failure to provide us with data may mean that we are unable to fulfil our requirements for entering into a contract of employment with you. This could include being unable to offer you employment, or administer contractual benefits.

G) CRIMINAL CONVICTION DATA

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the recruitment stage, however, may also be collected during your employment. We use criminal conviction data to determine your suitability, or your continued suitability for the role. We rely on the lawful basis of Legal Obligation and Legitimate Interests to process this data.

H) WHO WE SHARE YOUR DATA WITH

Your personal data may be shared internally for the purposes of the recruitment exercise. This could include HR, Recruiting Manager and Interviewers, Company Management Team and Board of Directors. In addition, IT staff if access to the data is necessary for the performance of their roles.

We will not share your personal data with third parties, unless your application for employment is successful and we make an offer of employment. We will then share your data with former employers to obtain references for you, employment background check providers to obtain necessary background checks and occupational health providers to obtain medical checks.

We may also share your data with third parties as part of a Company sale or restructure, or for other reasons to comply with a legal obligation upon us. We have a data processing agreement in place with such third parties to ensure data is not compromised. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

We do not share your data with bodies outside of the European Economic Area.

I) PROTECTING YOUR DATA

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse. We have implemented processes to guard against such.

J) RETENTION PERIODS

We only keep your data for as long as we need it for, which, in relation to unsuccessful candidates, is six months to a year.

If your application is not successful and we have not sought consent or you have not provided consent upon our request to keep your data for the purpose of future suitable job vacancies, we will keep your data for six months once the recruitment exercise ends.

If we have sought your consent to keep your data on file for future job vacancies, and you have provided consent, we will keep your data for nine months once the recruitment exercise ends. At the end of this period, we will delete or destroy your data, unless you have already withdrawn your consent to our processing of your data in which case it will be deleted or destroyed upon your withdrawal of consent.

Where you have provided consent to our use of your data, you also have the right to withdraw that consent at any time. This means that we will stop processing your data and there will be no consequences of withdrawing consent.

If your application is successful, your data will be kept and transferred to the systems we administer for employees. We have a separate privacy notice for employees, which will be provided to you.

K) AUTOMATED DECISION MAKING

Automated decision making means making decision about you using no human involvement e.g. using computerised filtering equipment. No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

L) YOUR RIGHTS

You have the following rights in relation to the personal data we hold on you:

- a) the right to be informed about the data we hold on you and what we do with it;
- b) the right of access to the data we hold on you. We operate a separate Subject Access Request policy and all such requests will be dealt with accordingly;
- c) the right for any inaccuracies in the data we hold on you, however they come to light, to be corrected. This is also known as 'rectification';
- d) the right to have data deleted in certain circumstances. This is also known as 'erasure';
- e) the right to restrict the processing of the data;
- f) the right to transfer the data we hold on you to another party. This is also known as 'portability';
- g) the right to object to the inclusion of any information;
- h) the right to regulate any automated decision-making and profiling of personal data.

In addition to the above rights, you also have the unrestricted right to withdraw consent, that you have previously provided, to our processing of your data at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact Gail Whitehead, Chief Officer, gpcare.services@nhs.net

M) MAKING A COMPLAINT

If you think your data rights have been breached, you are able to raise a complaint with the Information Commissioner (ICO). You can contact the ICO at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone on 0303 123 1113 (local rate) or 01625 545 745.

N) DATA PROTECTION COMPLIANCE

Our Data Protection Officer is:

Dr Saj Azfar