

Privacy Notice – National Data opt out



How the NHS and care services use your information

University Medical Centre is one of many organisations working in the health and care system to improve care for patients and the public.

Whenever you use a health or care service, such as attending Accident & Emergency or using Community Care services, important information about you is collected in a patient record for that service. Collecting this information helps to ensure you get the best possible care and treatment.

The information collected about you when you use these services can also be used and provided to other organisations for purposes beyond your individual care, for instance to help with:

- improving the quality and standards of care provided
- research into the development of new treatments
- preventing illness and diseases
- monitoring safety
- planning services

This may only take place when there is a clear legal basis to use this information. All these uses help to provide better health and care for you, your family and future generations. Confidential patient information about your health and care is **only used** like this where allowed by law.

Most of the time, anonymised data is used for research and planning so that you cannot be identified in which case your confidential patient information isn't needed.

You have a choice about whether you want your confidential patient information to be used in this way. If you are happy with this use of information you do not need to do anything. If you do choose to opt-out your confidential patient information will still be used to support your individual care.

To find out more or to register your choice to opt out, please visit www.nhs.uk/your-nhs-data-matters. On this web page you will:

- See what is meant by confidential patient information
- Find examples of when confidential patient information is used for individual care and examples of when it is used for purposes beyond individual care
- Find out more about the benefits of sharing data
- Understand more about who uses the data
- Find out how your data is protected
- Be able to access the system to view, set or change your opt-out setting
- Find the contact telephone number if you want to know any more or to set/change your opt-out by phone

See the situations below where the opt-out will not apply

There are some situations where your choice does not apply and your confidential patient information may still be used.

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- When required by law
- Your confidential patient information may still be used when there is a legal requirement to provide it, such as a court order.
- When you have given consent
- Your confidential patient information may still be used when you have given your consent. Such as, for a medical research study.
- Where there is overriding public interest
- Your confidential patient information may still be used in an emergency or in situations where there is an overriding benefit to others. For example, to help manage contagious diseases and stop them spreading, like meningitis. In these situations, the safety of others is most important.
- When information that can identify you is removed.
- Information about your health care or treatment may still be used in research and planning if the information that can identify you is removed first.
- Where there is a specific exclusion.
- Your choice does not apply to a small number of specific exclusions, including:
 - When information is given to the Office for National Statistics for official statistics, like the Population Census
 - To the National Cancer Patient Experience Survey (CPES) and CQC NHS Patient Survey Programme
 - To data shared with Public Health England for the National Cancer Registration Service, the National Congenital Anomalies and Rare Diseases Registration Service and the oversight of population screening programmes
 - Where data is used to make sure people with learning disabilities and/or autism receive the best care possible when in hospital for mental health or challenging behaviour issues (also known as assuring transformation)
 - Where data is used to make sure correct payment is made when there is no contract. For example, if a patient lives in Bromley but is treated in hospital in Devon, an invoice will be sent from Devon to the Clinical Commissioning Group (CCG) in Bromley that holds the budget for the patient
- When the confidential patient information does not contain your NHS number and if obtaining the number would involve disproportionate effort. This exclusion is likely to apply in limited circumstances as health organisations are legally obliged to use the NHS number. It may apply to historic data or to some adult social care services e.g. home care.
- You may be able to make a separate decision on whether or not your information can be used by some of the other services listed.
- Make a separate choice for the National Cancer Registration Service
- Make a separate choice for the National Congenital Anomalies and Rare Diseases Registration Service
- Make a separate choice for population screening programmes
- Make a separate choice for assuring transformation data

You can also find out more about how patient information is used at:

<https://www.hra.nhs.uk/information-about-patients/> (which covers health and care research); and <https://understandingpatientdata.org.uk/what-you-need-know> (which covers how and why patient information is used, the safeguards and how decisions are made)

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You can change your mind about your choice at any time.

Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement.

Health and care organisations have until 2020 to put systems and processes in place so they can apply your national data opt-out choice. Our organisation is able to apply your national data opt-out choice to any confidential patient information we may use or share with other organisations for purposes beyond your individual care. “

1) Data Controller contact details	University Medical Centre, Giles Lane, Canterbury, Kent, CT2 7PB
2) Data Protection Officer contact details	Dr Michael Norman University Medical Centre, Giles Lane, Canterbury, Kent, CT2 7PB
3) Purpose of the processing	Information collected about you will be used to for purposes beyond your individual care. Such as to inform other services, improve patient care, research Monitoring and planning of services.
4) Lawful basis for processing	<p>The processing of personal data for providers’ administrative purposes in this surgery and in support of individual care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:</p> <p><i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in 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>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
5) Recipient or categories of recipients of the processed data	Information will be provided to other NHS organisations to help with research, improving quality, preventing illness and diseases, planning services.
6) Rights to object	You have the right to object to some or all the information being processed under Article 21. You can visit the website www.nhs.uk/your-nhs-data-matters . to register your objection to your personal identifiable data being used for the above purposes or the practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance

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7) Right to access and correct	You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.
8) Retention period	The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.
9) Right to Complain.	You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/ or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)

* "Common Law Duty of Confidentiality", 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.

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.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.