

KEMNAY MEDICAL GROUP
GENERAL DATA PROTECTION REGULATIONS 2024
PRIVACY STATEMENT

This Practice keeps medical records confidential and complies with the General Data Protection Regulation

We hold your medical record so that we can provide you with safe care and treatment.

We will also use your information so that this practice can check and review the quality of the care we provide. This helps us to improve our services to you.

We are required by law to provide you with the following information about how we handle your information.

Data Controller/s: Kemnay Medical Group

Telephone: 01467 642289

Address: Kemnay Medical Group, 10 High Street, Kemnay, Aberdeenshire,
AB51 5NB

Email: gram.kemnayreception@nhs.scot

Data Protection Officer: Miss Roohi Bains, Acting Information Governance Manager for
NHSG, Rosehill House, Cornhill Road, Aberdeen AB25 2ZG

The Privacy Notice explains why the GP Practice collects information about you and how that information may be used.

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 etc.). These records are used to help to provide you with the best possible health care.

NHS health care 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.

Purpose of the Processing

In order to provide for your care, we need to collect and keep information about you and your health on our records. Your information is used to:

- Provide a basis for all health decisions made by care professionals with and for you;
- Make sure your care is safe and effective;
- Work effectively with others providing you with care;
- Send letters to you about, flu clinics, health promotion information, cancellation of clinics or changes in service provision.

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We may also use, or share, your information for the following purposes:

- Looking after the health of the general public;
- Making sure that our services can meet patient needs in the future;
- Auditing - Using patient health information to review and improve the quality of healthcare. Patient identifiable information is only used within the practice. (Patients have the right to request that their health information is not included in audits);
- Preparing statistics on NHS performance and activity (where steps will be taken to ensure you cannot be identified);
- Investigating concerns, complaints or legal claims;
- Helping staff to review the care they provide to make sure it is of the highest standards;
- Training and educating staff;
- Research approved by the Local Research Ethics Committee. (If anything to do with the research would involve you personally; you will be contacted to provide consent).

Lawful basis for Processing

These purposes are supported under the following sections of the GDPR:

- Article 6(1)(e) 'necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'; and
- 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 of the management of health or social care systems and services...'

Healthcare staff will also respect and comply with their obligations under the common law duty of confidence.

Disclosure of Information to Other Health and Social Care Professionals

We work with a number of other NHS and partner agencies to provide healthcare services to you. 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 without your permission unless there are exceptional circumstances, where the law requires information to be passed on and/or in accordance with the new information sharing principle following Dame Fiona Caldicott's information sharing review (information to share or not to share) 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.

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Our Partner Organisations:

- Other NHS hospitals
- Relevant GP Practices
- Dentists, Opticians and Pharmacies
- Private Sector Providers (private hospitals, care homes, hospices, contractors providing services to the NHS)

- Voluntary Sector Providers who are directly involved in your care
- Ambulance Service
- Specialist Services
- Health and Social Care
- Out of Hours Medical Service
- NHS Scotland

We may also share your information with your consent, and subject to strict sharing protocols, about how it will be used, with Police Scotland.

Risk Prediction

Risk prediction 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 information. Information about you is collected from a number of sources in NHS Scotland including this GP Practice. A risk score is then arrived at through an analysis of your De-identifiable information by ISD Scotland and is only provided back to your GP's Data Controller in an identifiable form. Risk prediction enables your GP to focus on preventing ill health and not just the treatment of illness. If necessary, your GP may be able to offer you additional services.

Scottish Primary Care Information Resource (SPIRE)

NHS Scotland uses information from GP patient records to help plan and improve health and care services in Scotland. You have a choice about the information from your GP records being used in this way. You can opt out from this at any time by contacting the Practice (see information below)

For further information regarding SPIRE - contact NHS Inform on 0800 22 44 88.

Emergency Care Summary (ECS)

Emergency care information such as your name, date of birth, the name of your GP, any medicines which your GP has prescribed, any medicines you are allergic to or react badly to, is shared with Out of Hours as this might be important if you need urgent medical care when the GP surgery is closed. NHS staff (Doctors, Nurses, Accident and Emergency, Ambulance control and crews) can look at your ECS if they need to treat you when the surgery is closed. They will ask for your consent before they look at your records.

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In an emergency and if you are unconscious, staff may look at your ECS without your agreement to let them give you the best possible care.

Whenever NHS staff looks at your ECS, a record will be kept so we can always check who has looked at your information.

Key Information Summary (KIS)

Key information summary (KIS) has been designed to support patients who have complex care needs or long term conditions.

KIS allows important information to be shared with health care professionals in unscheduled care in the NHS 24, A&E, Scottish Ambulance Service, Out of Hours, hospital and pharmacy environments. Information contained in KIS summary includes, future care plans, medications, allergies, diagnosis, your wishes, carer and next of kin details.

You have the right to say that you do not want Care staff to see ECS/KIS. (See information below)

Online Registration for Ordering Repeat Prescriptions and making appointments

This service allows you to check your repeat medication and order repeat prescriptions. You will need to register to use these services and you can de-register at any time.

Medicine Management

The Practice may conduct Medicines Management 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 by our clinicians, our employed Pharmacist and Pharmacists provided by NHS Grampian.

Computer System

This Practice operates a Clinical Computer System on which NHS Staff record information securely. This information can then be shared with other Clinicians so that everyone caring for you is fully informed about your relevant medical history.

To provide around the clock safe care, unless you have asked us not to, we will make information available to trusted organisations. Wherever possible, their staff will ask your consent before information is viewed.

We consider patient consent as being the key factor in dealing with your health information.

Shared Care Records

To support your care, and improve the sharing of relevant information to our partner organisations when they are involved in looking after you, we will share information to other NHS systems e.g. medication details for out of hours care. The general principle is that information is passed to these systems unless you request this does not happen, but that system users should ask for your consent before viewing your record.

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Retention Periods for Information We Hold

Within Kemnay Medical Group, we keep personal information, as set out in the Scottish Government Records Management: NHS Code of Practice (Scotland) Version 2.1 January 2012. The NHS Code of Practice sets out minimum retention periods for information, including personal information, held in different types of records including personal health records and administrations records.

How We Keep Your Information Confidential and Secure

We are committed to protecting your privacy and will only use information collected lawfully in accordance with the Data Protection Act 2018, Article 8 of the Human Rights Act, the Common Law of Confidentiality, The General Data Protection Regulation and the NHS Codes of Confidentiality and Security. Everyone working in, or for the NHS must use personal information in a secure and confidential way.

We will only ever use or pass on your information if there is a genuine need to do so. We will not disclose information about you to third parties without your permission unless there are exceptional circumstances, such as when the law requires.

To protect your confidentiality, we will not normally disclose any medical information about you over the telephone, or by fax, unless we are sure that we are talking to you. This means that we will not disclose information to your family, friends, and colleagues about any medical matters at all, unless we know that we have your consent to do so.

Anyone Who Receives Information from Us Is Also Under a Legal Duty to Keep It Confidential and Secure

All persons in the Practice sign a confidentiality agreement that explicitly makes clear, their duties in relation to personal health information and the consequences of breaching that duty.

Please be aware that your information will be accessed by non-clinical Practice staff in order to perform tasks enabling the functioning of the Practice. These are, but not limited to:

- Typing referral letters to Hospital Consultants or allied Health Professionals
- Opening letters from hospitals and Consultants
- Scanning clinical letters, radiology reports and any other documents not available in Electronic format
- Photocopying or printing documents for referral to Consultants
- Handling, printing, photocopying and postage of medico legal and life assurance reports and other associated documents

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Who Else May Ask to Access Your Information

- The **Court** can insist that we disclose medical records to them;
- **Solicitors** often ask for medical reports. We will require your signed consent for us to disclose information. We will not normally release details about other people that are contained in your records (e.g. wife, children, parents etc.) unless we also have their consent;
- **Social Services** - The Benefits Agency and others may require medical reports on you from time to time. We will need your signed consent to provide information to them.
- **Life Assurance Companies/Employers/Occupational Health Doctors** frequently ask for medical reports on individuals. These are always accompanied by your signed consent form.

We will only disclose the relevant medical information as per your consent. You have the right, should you request it, to see reports prepared for Insurance Companies, employers or occupational Health doctors before they are sent.

Sharing Your Information without Consent

We will normally ask you for your consent, but there are times when we may be required by law to share your information without your consent, for example:

- Where there is a serious risk of harm or abuse to you or other people
- Where a serious crime, such as assault, is being investigated or where it could be prevented
- Where we encounter infectious diseases that may endanger the safety of others, such as meningitis or measles (but not sensitive information such as HIV/AIDS)
- Where a formal Court Order has been issued
- Where there is a legal requirement, e.g. if you had committed a Road Traffic Offence

Kemnay Medical Group is committed to ensuring that your privacy is protected. Should we ask you to provide certain information by which you can be identified when using our website; you can be assured that it will only be used in accordance with this privacy statement.

You may choose to restrict the collection or use of your personal information in the following ways:

- Information you supply using any electronic form(s) on the practice website will only be used for the purpose(s) stated on the form.
- Whenever you are asked to fill in a form on the website, look for the box that you can click to indicate that you do not want the information to be used by anybody for direct marketing purposes.

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Your Rights

This section contains a description of your data protection rights.

The right to be informed

We must explain how we use your personal information. We use a number of ways to communicate how personal information is used, including:

- This Privacy Notice
- Information Leaflets
- Discussions with staff providing your care

The Right of Access to Your Health Information

The General Data Protection Regulation allows you to find out what information about you is held on computer and in manual records. This is known as “right of subject access” and applies to personal information held about you. If you want to see or receive information that the Practice holds about you:

- You should contact the Practice in person, by telephone or in writing, or by using our Subject Access to Records (SAR) form
- We are required to respond to you within one month
- We may extend the time to respond to your request by up to a further two months if your request is complex or we have received a number of requests from you. However, we must let you know within one month of your request and explain why an extension is necessary.
- We will require identification before releasing information.
- We normally cannot charge a fee however we may charge a “reasonable fee” if your request is excessive or we have received a number of requests from you or we may refuse to deal with the request, however we are required to inform you of this decision within one month and give you a reason for our decision.
- Under exceptional circumstances we can refuse to comply with a Subject Access request if it is felt to be manifestly unfounded or excessive but we are required to justify our decision within one month of the receipt of the request. You have the right to complain to the ICO or another supervisory authority; and the ability to seek to enforce this right through a judicial remedy.

The Right to Rectification

The GDPR includes a right for individuals to have inaccurate personal data rectified or completed if it is incomplete

- If the personal information we hold about you is inaccurate or incomplete you have the right to have this corrected.
- You may make a request verbally or in writing
- We must respond to your request within one month
- If we consider your request to be complex or we have received a number of requests from you or we need to give further consideration of the accuracy of disputed data, we may

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extend the time to respond up to a further two months. We must inform you of this decision within one month of your request and explain why an extension is necessary

- You have the right to request restriction of the processing of your personal data where you contest its accuracy and we are checking it.
- If we are satisfied that the data is accurate we will inform you that we will not be amending the data and the reason why. We will make an entry in your records stating your concerns about the information. You have the right to make a complaint to the ICO or another supervisory authority; and the ability to seek to enforce your rights through a judicial remedy
- If it is agreed that your personal information is inaccurate or incomplete, we will amend your records accordingly
- 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 correct.

The Right to Object

If you have any concerns about how we use or share your information, or you do not wish us to share your information, you have the right to object to how we process your personal information.

- You should contact the Practice in person, by telephone or in writing informing us of your objection
- We must act upon receipt of your objection within one calendar month
- If your request is complex or we have received a number of requests from you we may extend the time to respond by a further two months, however we must inform you within one month and explain the reason why an extension is necessary
- In certain circumstances we may refuse to comply with your objection but will respond to you within one calendar month informing you about the reason we are not taking action.
- You have the right to make a complaint to the ICO or another supervisory authority and your ability to seek to enforce your right through a judicial remedy.

The Right to Restrict Processing

Article 18 of the GDPR gives individuals the right to restrict the processing of their personal data in certain circumstances. This means that you can limit the way that an organisation uses your data.

You have the right to restrict the processing of your personal data where you have a particular reason for wanting the restriction. This may be because you have an issue with the content of your information, the accuracy of your data or how we have processed your data.

- If you wish to request to restrict your data you should contact the Practice in person, by telephone or in writing
- We must respond to you within one month
- We may extend the response time up to a further two months if your request is complex or you have made a number of requests. We must however inform you of this decision within one month and explain why the extension is necessary.

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- If you are contesting the accuracy of your personal data and we are verifying the accuracy we will restrict the processing of your data
- If you have objected to us processing your data under Article 21 (1) and we are considering your request we will restrict the processing of your data
- If we have disclosed the personal information in question to others, we will contact each recipient and inform them of the restriction of the personal data – unless this proves impossible or involves disproportionate effort.
- The right to Restrict Processing is linked to the Right to Rectification (Article 16) and the Right to Object (Article 21).
- If we decide to lift the restriction on the grounds that we are satisfied that the data is accurate, or that our legitimate grounds override yours, we will inform you of the reasons for our refusal to act upon your rights under Articles 16 or 21 prior to lifting the restriction
- You have the right to make a complaint to the ICO or another supervisory authority and the ability to seek a judicial remedy

The right to Complain

If you have a complaint about how your information is managed at the practice, please contact the Practice in person, by telephone or in writing.

- We must respond to your complaint within one calendar month
- In certain circumstances we may require longer in order to investigate your complaint and may extend the time to respond by a further two months, however we must inform you within one calendar month and explain why the extension is necessary
- If you are dissatisfied following our response you have the right to make a complaint to the ICO or another supervisory authority and the ability to seek a judicial remedy.

If you are dissatisfied with the Practice's response, or the way we handle your information, you can complain to:

The Scottish Information Commissioner
Kinburn Castle
Doubledyke's Road
St. Andrews
Fife
KY16 9DS

Telephone: 01334 464610 or
Email: enquiries@itspublicknowledge.info