



Practice
Plus
Group

Privacy notice

Health in Justice - Healthcare in Courts

General Data Protection
Regulations (GDPR)



At Practice Plus Group, we are proud to be England's **largest independent provider of NHS services**, delivering more than 70 different healthcare services throughout the UK.

Patients who are treated by us can rest assured that we value your privacy and want you to understand the choices and control you have over your information with Practice Plus Group. We have created this GDPR Privacy notice to help explain those choices and give you that control.

Introduction

Any information which identifies and relates to you is your 'personal data'. The General Data Protection Regulation ("GDPR") and the Data Protection Act 2018 enable individuals to better control their personal data, as well as imposing a number of obligations on organisations like Practice Plus Group in respect of the manner in which we use your data. Practice Plus Group takes those obligations very seriously, which include requirements of transparency by telling you how your personal data will be used as well as ensuring it is subject to appropriate security controls.

This document, known as a privacy notice, is one of the steps taken by Practice Plus Group to ensure it has met its obligations of transparency under the GDPR. Our privacy notice explains the purposes for which Practice Plus Group collects and uses your personal data, how long it is kept for, the legal basis for processing and contact details of our Data Protection Officer.

Purpose of processing personal information

As a healthcare provider, Practice Plus Group delivers NHS services to you and must collect and use personal information about you in order to do so as effectively and safely as possible. This is the primary purpose for which we will process your personal data, but there may be other circumstances in which it is necessary to do so.

In particular:

- Responding to queries from regulators including, but not limited to, the Care Quality Commission and General Medical Council
- Defending or exercising legal claims or disclosing information in order to comply with a court order
- Seeking legal or other professional advice
- Getting patient feedback and resolving complaints
- Providing information to national registries that systematically collect data about particular conditions to help research or evaluate care
- Clinical audit to monitor the quality of the service provided.

We follow NHS good practice whenever we use your personal data and will:

- Discuss and agree with you what we are going to record about you
- Give you a copy of letters we are writing about you; and
- Show you what we have recorded about you, if you ask.

The GDPR ensures that we comply with a series of data protection principles whenever we use your personal data. These principles are there to protect you and they make sure that we:

- Process all personal information lawfully, fairly and in a transparent manner.
- Collect personal information for a specified, explicit and legitimate purpose.
- Guarantee that the personal information processed is adequate, relevant and limited to the purposes for which it was collected.
- Ensure the personal information is accurate and up to date.
- Retain your personal information for no longer than is necessary for the purpose(s) for which it was collected.
- Keep your personal information securely using appropriate technical or organisational measures.

The lawful basis for the process without consent

The GDPR requires that any time we use your personal data, we must ensure that we have a legal justification in order to do so (known as a 'legal basis'). There are a limited number of potential legal bases which we may be able to rely upon when using your personal data, and these are set out in Article 6 of the GDPR. However, as data relating to someone's health is considered 'special category data' we must also demonstrate that one of the legal bases set out in Article 9 is satisfied. The legal bases which we rely upon are set out below.

Article 6

As a publically funded NHS provider, Practice Plus Group generally relies on the following lawful bases for processing your data:

- Article 6(1)(e) '...processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller...'. This is on the basis that we are providing publically-funded healthcare, and is the legal basis which covers use of your data for care, treatment and related-purposes.
- Article 6(1)(d) '...processing is necessary in order to protect the vital interests of the data subject or of another natural person'.
- For any purposes unrelated to your care and treatment, as set out further in this Privacy Notice, we will rely upon Article 6(1)(f), which is processing necessary for the purpose of legitimate interests such as assisting regulatory bodies, or the investigation of potential criminal offences, or the defence of legal claims.

Article 9

We generally rely on the following legal bases, depending on the particular purpose behind the specific use of your data:

- For uses of your data relating to your direct care and treatment, we rely upon Article 9 (2)(h) for '...medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems...'
- Depending on the circumstances, we may rely on Article 9(2)(c) '...processing is necessary to protect the vital interests of the data subject or of another natural person'.

- For some purposes, predominantly unrelated to your healthcare, we may rely on Article 9(2)(g) ‘...processing is necessary for reasons of substantial public interest.’
- In respect of claims against Practice Plus Group, we rely upon Article 9(2)(f), which covers uses of information “necessary for the establishment, exercise or defence of legal claims.”
- Article 10 allows us to process personal data relating to criminal convictions and offences acting in our official capacity: ‘...Processing of personal data relating to criminal convictions and offences or related security measures based on Article 6(1) shall be carried out only under the control of official authority or when the processing is authorised by Union or Member State law providing for appropriate safeguards for the rights and freedoms of data subjects....’

Purposes for which we process personal data including local administrative purposes such as:

- Waiting list management
- Performance against national targets
- Activity monitoring
- Local clinical audit
- Production of datasets to submit for commissioning purposes and national collections.

As set out in the section entitled ‘Information sharing’, it is often necessary to share information with other organisations involved in your healthcare. We will not otherwise routinely share information that identifies you, unless:

- You ask us to do so;
- We ask and you give us specific permission;
- We have to do this by law; or
- We believe that the reasons for sharing are so important that they override our obligation of confidentiality to you.

Categories of personal data we process

We process personal information relating to identified natural persons so we may deliver a thorough and efficient service for our patients.

NHS health records may be electronic, physical (paper) or a mixture of both. We use a combination of working practices and technology to guarantee that your information is kept confidential and secure. Records held by Practice Plus Group may include the following information about you:

- Details such as your address, next of kin or carer, legal representative, emergency contact details
- Any contact the Practice Plus Group operational units have had with you, such as appointments, clinic visits, emergency appointments, telephone calls etc.
- Details, notes and reports about your health, 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
- Equality and diversity information
- Information related to your offending or alleged offending.

Information sharing

To make sure that we provide you with an efficient and effective service, we may need to share your information:

- Between teams within our organisation.
- With partner organisations within the NHS that support the delivery of the service you may receive from us.
- With organisations we have contracted to provide a service to you.
- Via the various NHS Shared Records Systems.
- Third party organisations with whom we are acting in partnership, to the extent that sharing of personal data is necessary to fulfil the aims of the joint project. For example, where we provide a service to users of other public services (such as Her Majesty's Courts and Tribunal Service).
- Next of kin or carers.
- There will be other times when we may have to share your information, for example, in order to comply with a Court Order. We may need to share your data with relevant third parties for example professional advisers in order to fulfil our legal and professional obligations. We might need to share or transfer your data confidentially with relevant parties if there is a change of control or similar arrangement involving Practice Plus Group.

Partner organisations & other bodies we may share information with

- Partner organisations & other bodies we may share information with
- We may have to share your personal information, subject to strict NHS data sharing Guidelines on how it will be used, with the following organisations:
- NHS Trusts / Foundation trusts
- GPs, including out of hours GP services
- Commissioning bodies such as NHS England or Integrated Care Systems.
- Independent contractors such as dentists, opticians, pharmacists
- Private sector providers
- Voluntary sector providers
- Ambulance Trusts
- Social care services
- NHS Digital
- Local authorities
- Education services
- Fire and Rescue services
- Organisations that prevent and detect crime, or are involved in the administration of justice, including the police
- Judicial authorities, and organisations named in a Court Order.
- Insurers & professional advisors
- Voluntary sector providers
- NHS approved private sector providers
- NOMS, MAPPA, Parole Board, the CPS, Home Office, Local Authorities, community services
- Organisations providing diagnostic tests
- Organisations providing patient transport (there may be providers other than ambulance trusts)
- Other organisations involved in the delivery of NHS care, social care or the protection of public health e.g. Public Health England

- Regulators e.g. CQC, GMC
- Professional advisors, such as solicitors
- Insurers
- Any organisation named in a court order
- NHS Counter Fraud Authority
- The usual purpose for which we will share your information is for your direct care. However, this may not always be the case, and we may have to share information about you with a variety of different organisations for other purposes such as the investigation and prosecution of crimes, the defence of legal claims, the safety of third parties at risk of serious harm, as well as public health.

Before sharing information we confirm that:

- The partner organisation has in place adequate and appropriate Privacy protection frameworks.
- Technical security such as encryption and access controls are in place to keep information secure.
- Information Sharing Agreements are entered into with partner agencies where appropriate.
- Data Protection Impact Assessments are completed, where appropriate, to assess any risks or potential negative effects to you.
- Common retention periods and deletion arrangements are set for the information we process and share.
- Your access rights are catered for, to support you in any request for your data.

Transfers and safeguards of your personal data to other countries

Your personal and sensitive data will only be stored and processed by Practice Plus Group on servers based within the European Union. In the unlikely event that it became necessary to transfer your personal data to an organisation based outside of the UK then we will only do so in accordance with the GDPR rules on transfer of data and, in particular, the need to ensure that there are appropriate safeguards in place before the data is transferred.

Retention periods

We will only keep your information for as long as it is required to be retained under the statutory limits. The retention period is either dictated by law or by our discretion. In particular, we will retain your data in accordance with the periods and principles set out in the Information Governance Alliance's Records Management Code of Practice for Health & Social Care 2016. Once your information is no longer needed as set out in this Privacy Notice it will be securely and confidentially destroyed.

Your rights

You have guaranteed rights under the GDPR which we will uphold at all times. You can find further information about them on the Information Commissioner's website, at <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>.

In summary, your rights are as follows:

- The right to be informed via Privacy notices such as this one.
- The right to free access to any personal information Practice Plus Group holds about you. You are entitled to receive a copy of your personal data – usually free of charge and within one calendar month of our receipt of your subject access request. In certain circumstances we are entitled to take an additional two months to respond to your request, and/or charge a fee.
- The right of rectification. If you believe your details are incorrect or incomplete, you can request that we correct it. Due to the nature of the data which we hold about you, which largely relates to your healthcare and treatment, a note may be added to your file to record that you disagree with an element of your records rather than necessarily changing the original records.
- The right to erasure of your personal data, although this is subject to the caveat that we are not required to delete data which we will still need in order to treat you or for other purposes such as exercising or defending legal claims.
- The right to restrict processing, although subject to limitations that you cannot prevent use of your information required in order to provide you with care and treatment.
- The right to data portability. We will endeavor where possible, to provide you with your personal data in a structured and readable form when you request your data.
- The right to object. You can object to your personal data being used for profiling, direct marketing or research purposes.
- You have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

The transfer of your data from NHS systems such as the Summary Care Record and NHS Choices is automated in how it is received. However, no care or treatment decisions made about you are automated in any way.

If you would like a copy of the personal information that we hold about you, it would assist us if you could send your request in writing to DATA ACCESS REQUEST, addressed to the Practice Plus Group site where you have received care or treatment.

To help us deal with your request as efficiently as possible, please include:

- Your current name and address
- Proof of identity (such as a copy of your driving licence, passport or two different utility bills that display your name and address). After considering your proof of identity, and where we consider it necessary, we may ask you for additional proof.
- As much detail as possible regarding your request so that we can identify any information we may hold about you, this may need to include your previous name and address, date of birth, what Practice Plus Group services you received and any particularly treatment or time frame.

The right to lodge a complaint

Should you have any concerns about how your information is managed by Practice Plus Group, please contact the Practice Plus Group Caldicott Guardian.

Practice Plus Group Caldicott Guardian,
Hawker House,
5-6 Napier Court,
Napier Road.
Reading,
Berkshire,
RG1 8BW.

If you are still unhappy following a review by our Caldicott Guardian, you can then complain to the Information Commissioners Office (ICO) via their website (www.ico.gov.uk).

Where personal data comes from

The healthcare 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 us to provide you with the best possible healthcare.

We will not use any information about you that is available in publicly accessible sources. Any additional details we will require about you in order to carry out our duty of care, we will request directly from you.

Failure to provide personal data to Practice Plus Group

Failure to provide personal information and data about yourself may mean that we are unable provide you with the necessary healthcare services.

If you do not wish personal data that we hold about you to be used or shared in the way that is described in this notice, please discuss the matter with us. You have the right to object, but this may affect our ability to provide you with care or advice.

How to contact us

Practice Plus Group Ltd is registered as a data controller with the Information Commissioner's Office registration number: ZA328755.

If you have any questions, comments or concerns about how we handle your personal data, then you may contact our Quality and Governance team by email to DPO@practiceplusgroup.com or write to us at:

Data Protection Officer
Practice Plus Group Hawker House
5-6 Napier Court
Napier Road
Reading
Berkshire
RG1 8BW



Practice Plus Group, Hawker House, 5-6 Napier Court,
Napier Road, Reading, Berkshire, RG1 8BW