

Document Control

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2.0	23/01/2020	23/01/2021	RF	JM	Minor changes made – type opt out.
3.0	20/01/21	23/01/2022	JM	JM	Policy reviewed and telephone contact details updated.
4.0	15/06/22	15/06/23	SW	KS	Policy reviewed and contact details updated. Accuracy of statements regarding services updated. Time data held can be used increased from 6 to 12 months in agreement with DR.
5.0	20/06/23	31/05/24	SW		Policy reviewed and hyperlink to new guidance updated.

Document Revision and Approval History

South Durham Health Fair Processing Notice

Introduction

South Durham Health is a community interest company (also known as a social enterprise) which provides direct care health services (direct care means a clinical health activity concerned with the prevention and investigation and treatment of illness). The Services which provide this care are:

- **Primary Care Service**
- **Primary Mental Health Service**
- **Vulnerable Adults Wrap Around Service (Community Nursing services)**
- **Anticoagulation Monitoring Service.**

This document is to explain to you the types of personal data we hold about you and how we may use this information for the benefit of your health and wellbeing. The document advises you on how we allow your electronic health record (and where applicable social care record) to be made available to other organisations, across a variety of healthcare settings and advises you of your options. Information sharing is a requirement of high quality and safe care. The information should be carefully considered and any concerns you have about the data we hold, and how we use it, should be raised with us.

The information we hold about you

The personal data we hold about you

As a provider of direct health services, we need to access your electronic health (and where applicable social care) record. This contains sensitive information about you, your health and your wellbeing. The following list provides an example of the type of information (both past and present) that can be held within your record:

- Demographic and contact details (name, date of birth, address, telephone number, email address, gender, sex, religion, marital status etc.)
- Appointments and Consultations
- Diagnoses (including physical disabilities and mental health conditions)
- Medication, Vaccinations, Pathology results (e.g. blood tests) and Allergies
- Social care involvement
- Hospital correspondence and correspondence from other health and social care settings (including x-rays, discharge letters and referrals)
- Relationships/Next of Kin
- Personal preferences
- Necessary adjustments

Why we and other organisations need access to your personal data

Why do we need access to your personal data?

This information means we can provide you with high quality direct care in a safe and effective manner. Being able to see your detailed record allows for an overall picture of your health and wellbeing to be assessed. This then helps us to diagnose, manage and prescribe appropriate courses of treatment for you. This means that the most safe and efficient care is provided to you. We do not want you to have to repeat your medical history and remember every detail, which may or may not be relevant, to every health and social care professional involved in your care. Lack of access to your information may lead to misdiagnosis, inappropriate prescribing of medication or tests and/or ineffective treatment.

Why do we need to share your personal data?

We recognise that other health and social care providers may care for you (either currently or in the future) and have access to your electronic health (and where applicable social care) record. This is because they can then make fully informed decisions about the care you require. A shared record ensures that care providers always have the most accurate, up to date information.

What do we mean by 'Direct Care'?

The term 'Direct Care' means a clinical health activity concerned with the prevention and investigation and treatment of illness. It includes supporting your ability to function and improve your participation in life and society. It also includes the assurance of safe and high quality care and treatment undertaken by one or more registered and regulated health or social care professionals and their team with whom you have a legitimate relationship for your care purposes.

It does **not** include access to information for purposes such as insurance, advertising or marketing.

How we share your personal data

Before discussing how we share your personal data with the services below, **You can agree OR refuse to share your information in ANY or ALL of the three options below.**

For our Primary Care Service

You will have chosen to attend this service after contacting NHS 111 or because your GP practice has referred you.

We will obtain your explicit consent (permission) to access and share your detailed electronic health (and where applicable social care) record.

We will ask your consent to share your information in three ways:

- 1) **SHARING IN** – this allows us access to your full medical information stored at your GP practice as well as other clinical systems will enable us to give you the best care possible in the context of health problems.
- 2) **SHARING OUT** – this allows us to share your information that we collect as part of the treatment given by the Primary Care Service to other health professionals including your GP if they require it. This information will become part of a larger health record about you and will only become available to a service to which you give permission so that they can access it, like your GP.
- 3) **REVIEW ACCESS** – In order for us to improve this service and ensure that our high standards are maintained, we would like to be able to access your full medical record at a later date to review this consultation with one of our Governance Committee Clinicians or a clinician approved by the Governance Committee. Your consent will last for a maximum of 12 months from today to allow us to complete our review. The review will look at the quality of care you were given and if you attended any other services after your care and will be used to report on the service (see below). Access to your full medical records for **Review Access** is used to compile reports which look at the quality of the service you have been given at the Primary Care Service.

We fully respect your right to privacy and any information obtained from your record by our review clinician, and used in a report, will be fully anonymised if shared outside the Primary Care Service.

Anonymised information gathered for a report may well be shared with the Primary Care Service staff, the contract holder (South Durham Health Community Interest Company), NHS111, County Durham and Darlington NHS Trust (urgent care and minor injuries unit) or the CCG (Clinical Commissioning Group).

Report information will only be shared in such a way that you cannot be identified and will only be for reviewing the quality of this service or associated services.

Opting out of sharing your data

When you attend for an appointment at a Primary Care Service you will be handed a notice which explains how we share information. If you would like more information, or you do not

wish to share your information in any or all of the three ways, then please let reception staff know immediately. This is done by registering a Type 1 opt-out.

When deciding which option to choose it is important to consider that your detailed record allows for an overall picture of your health and wellbeing to be assessed. This in turn helps health and social care professionals diagnose and prescribe appropriate courses of treatment to you. This ensures that the most safe and efficient care is provided. It will prevent you from having to repeat your medical history and remember every detail, which may or may not be relevant, to every health and social care professional involved in your care. Lack of access to your information may lead to misdiagnosis, inappropriate prescribing of medication or tests and/or ineffective treatment.

For our Primary Mental Health Service

A health professional (General Practitioner or nurse) has referred you to the Service. Your General Practice has a responsibility to agree with you what information they want you to share, with whom, and in what circumstances, as do other organisations who may be involved in providing you with services. Providing that you have agreed, we will share your information in the following ways:

- 1) **SHARING IN** – this allows us access to your full medical information stored at your GP practice as well as other medical systems will enable us to give you the best care possible in the context of health problems.
- 2) **SHARING OUT** – this allows us to share your information that we collect as part of the treatment given by the Primary Mental Health Service to other health professionals including your GP if they require it. This information will become part of a larger health record about you and will only become available to a service to which you give permission so that they can access it, like your GP.
- 3) **REVIEW ACCESS** – In order for us to improve this service and ensure that our high standards are maintained, we would like to be able to access your full medical record at a later date to review this consultation with one of our Governance Committee Clinicians or with a clinician designated by Tees Esk and Wear Valley NHS Foundation Trust who provide the service on our behalf. Your consent will last for a maximum of 12 months from today to allow us to complete our review. The review will look at the quality of care you were given and if you attended any other services after your care and will be used to report on the service (see below). Access to your full medical records for **Review Access** is used to compile reports which look at the quality of the service you have been given at the Primary Mental Health Service.

We fully respect your right to privacy and any information obtained from your record by our review clinician, and used in a report, will be fully anonymised if shared outside the Primary Mental Health Service Care Service.

Anonymised information gathered for a report may well be shared with the Primary Mental Health staff, the contract holder (South Durham Health Community Interest Company), the employer of the clinical staff (Tees Esk and Wear Valley NHS Foundation Trust) the CCG (NHS County Durham).

Report information will only be shared in such a way that you cannot be identified and will only be for reviewing the quality of this service or associated services.

Opting out of sharing your data

It is your Practice's responsibility to agree with you what information they share with the Mental Health Service. Please inform your Practice you would like to opt – out of sharing your information. This is done by registering a Type 1 opt-out. More information can be found in your Practice's Fair Processing Notice / Privacy Notice.

For our Vulnerable Adults Wrap Around Service (VAWAS)

Nurses and General Practitioners working in this service work with your General Practice to provide direct health care for designated individuals, offering an additional resource to assist the practice meet the needs of vulnerable adults. Your General Practice has a responsibility to agree with you what information they will share, with whom, and in what circumstances as do other organisations who may be involved in providing you with services. This information will be provided in your Practice's Privacy Notice. Providing that you have agreed, we will share your information in the following ways:

- 1) **SHARING IN** – this allows us access to your full medical information stored at your GP practice as well as other medical systems will enable us to give you the best care possible in the context of health problems.
- 2) **SHARING OUT** – this allows us to share your information that we collect as part of the treatment given by the Primary Mental Health Service to other health professionals including your GP if they require it. This information will become part of a larger health record about you and will only become available to a service to which you give permission so that they can access it, like your GP.
- 3) **REVIEW ACCESS** – In order for us to improve this service and ensure that our high standards are maintained, we would like to be able to access your full medical record at a later date to review this consultation with one of our Governance Committee Clinicians or with a clinician approved by them. Your consent will last for a maximum of 12 months from today to allow us to complete our review. The review will look at

the quality of care you were given and if you attended any other services after your care and will be used to report on the service (see below). Access to your full medical records for **Review Access** is used to compile reports which look at the quality of the service you have been given by staff working in the

We fully respect your right to privacy and any information obtained from your record by our review clinician, and used in a report, will be fully anonymised if shared outside the Service.

Anonymised information gathered for a report may well be shared with VAWAS staff, directors and staff of the contract holder (South Durham Health Community Interest Company), the employer of the clinical staff (Jubilee Medical Group) and the CCG (Durham Dales Easington and Sedgfield Clinical Commissioning Group).

Report information will only be shared in such a way that you cannot be identified and will only be used for reviewing the quality of this service or associated services.

Opting out of sharing your data

It is your Practice's responsibility to agree with you what information they share with the VAWAS Service. Please inform your Practice you would like to opt – out of sharing your information. This is done by registering a Type 1 opt-out. More information can be found in your Practice's Fair Processing Notice / Privacy Notice.

For our Anticoagulation Monitoring Service

An anticoagulation therapy management service for patients receiving warfarin therapy is delivered in GP practices (and when needed, at home) by practices who have qualified to provide this service under a contract held by South Durham Health and commissioned by NHS County Durham Clinical Commissioning Group.

The practices delivering the service keep medical records confidential and comply with the General Data Protection Regulation.

They hold your medical record so that they can provide you with safe care and treatment.

They will also use your information so that the practice can check and review the quality of the care they provide. This helps them improve the services to you.

The practice has a duty to agree with you what information they want you to share, with whom, and in what circumstances.

The practice will only share information with us in an anonymised form to check the quality of the service you have been given. This information may be shared with other practices delivering the Service and with NHS County Durham Clinical Commissioning Group (CCG).

Opting out of sharing your data

It is your Practice's responsibility to agree with you what information they share with the Anti-coagulation service. Please inform your Practice you would like to opt – out of sharing your information. This is done by registering a Type 1 opt-out. More information can be found in your Practice's Fair Processing Notice / Privacy Notice.

Retention

GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: [Records Management Code of Practice - NHS Transformation Directorate \(england.nhs.uk\)](https://www.nhs.uk/records-management-code-of-practice)

Right to Raise Concerns

If you have a concern about the way that we handle your personal information, please raise it with us. You can do this by email to mandy.barrass@nhs.net, or by writing to the Chief Executive, South Durham Health, The Surgery, Ashcroft Terrace, Wheatley Hill, DH6 3NP, or by telephoning 01429 808310. We will take your concern seriously and try to resolve it.

We have appointed a Data Processing Officer (DPO) who is independent, an expert in data protection, and reports to the highest management level. Our DPO is Dr Neill Jones. The DPO advises us on data protection but can also be contacted directly at neill.jones@nhs.net

You can find guidance on our obligations under information rights legislation on the Information Commissioner's (ICO) website (www.ico.org.uk). The ICO give guidance and support to organisations to help them get things right. The ICO can also help you take steps to address your concern. They cannot act as your representative, award compensation or – apart from in the most serious cases – punish an organisation for breaking the law.

If we do not resolve your concern to your satisfaction, you can raise the matter with the ICO within three months of your last substantial contact with us.

Review Date

This Document will be reviewed **31 May 2024**.