 Larkshall Medical Centre

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**Practice privacy notice 3 – Legal requirements to share data**

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| **How your information is shared so that this practice can meet legal requirements**  The law requires Larkshall Medical Centre to share information from your medical records in certain circumstances. Information is shared so that the NHS or Public Health England can, for example:   * plan and manage services; * check that the care being provided is safe; * prevent infectious diseases from spreading.   We will share information with NHS Digital, the Care Quality Commission and local health protection team (or Public Health England) when the law requires us to do so. Please see below for more information.  We must also share your information if a court of law orders us to do so. |

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| **NHS Digital**   * NHS Digital is a national body which has legal responsibilities to collect information about health and social care services.      * It collects information from across the NHS in England and provides reports on how the NHS is performing. These reports help to plan and improve services to patients.      * This practice must comply with the law and will send data to NHS Digital, for example, when it is told to do so by the Secretary of State for Health or NHS England under the Health and Social Care Act 2012. * More information about NHS Digital and how it uses information can be found at:   <https://digital.nhs.uk/home> |

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| **Care Quality Commission (CQC)**   * The CQC regulates health and social care services to ensure that safe care is provided. * The law says that we must report certain serious events to the CQC, for example, when patient safety has been put at risk. * For more information about the CQC see: <http://www.cqc.org.uk/> |

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| **Public Health**   * The law requires us to share data for public health reasons, for example to prevent the spread of infectious diseases or other diseases which threaten the health of the population. * We will report the relevant information to local health protection team or Public Health England. * For more information about Public Health England and disease reporting see: <https://www.gov.uk/guidance/notifiable-diseases-and-causative-organisms-how-to-report> |

We are required by law to provide you with the following information about how we handle your information and our legal obligations to share data.

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| **Data Controller** contact details | Larkshall Medical Centre  1 Larkshall Road, London, E4 7HS |
| **Data Protection Officer** contact details | Dr Sanjoy Kumar  020 8524 6355 |
| **Purpose** of the processing | Compliance with legal obligations or court order. |
| **Lawful basis** for processing | The following sections of the GDPR mean that we can share information when the law tells us to.  Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject…’  Article 9(2)(h) – ‘processing is necessary for the purpose of preventative…medicine…the provision of health or social care or treatment or the management of health or social care systems and services...’ |
| **Recipient or categories of recipients** of the processed data | * The data will be shared with NHS Digital. * The data will be shared with the Care Quality Commission. * The data will be shared with our local health protection team or Public Health England. * The data will be shared with the court if ordered |
| **Rights to object and the national data opt-out** | There are very limited rights to object when the law requires information to be shared but government policy allows some rights of objection as set out below.  NHS Digital   * You have the right to object to information being shared with NHS Digital for reasons other than your own direct care. * This is called a ‘Type 1’ objection – you can ask your practice to apply this code to your record. * A type 1 opt-out prevents information that identifies individuals being shared outside of their GP practice, for secondary uses. Type 1 Opt-outs were introduced in 2013 for data sharing from GP practices, but may be discontinued in the future as a new opt-out has since been introduced to cover the broader health and care system, called the National Data Opt-out. Our practice declared ourselves compliant on National Data Opt-out as on 30 Sept 2020 after our practice managers completed the actions I provided them for compliance with this opt-out. * NHS Digital will not collect any patient data for patients who have already registered a Type 1 Opt-out in line with current policy. A patient can register a Type 1 Opt-out at any time. They can also change your mind at any time and withdraw a Type 1 Opt-out. * If a patient wishes to register a Type 1 Opt-out with our GP practice before data sharing starts with NHS Digital, this should be done by returning the attached form to our GP practice by 23 June 2021 to allow time for processing it. If they have previously registered a Type 1 Opt-out and would like to withdraw this, they can also use the form on our website to do this. Patient can send form by post can send the form by post to the GP practice or call 0300 3035678 for a form to be sent out to the patient. * This means you will not be able to object to your data being shared with NHS Digital when it is legally required under the Health and Social Care Act 2012.   The national data op-out model provides you with an easy way of opting-out of identifiable data being used for health service planning and research purposes, including when it is shared by NHS Digital for these reasons.  To opt-out or to find out more about your opt-out choices please go to NHS Digital’s website:  https://digital.nhs.uk/about-nhs-digital/our-work/keeping-patient-data-safe/how-we-look-after-your-health-and-care-information/your-information-choices/opting-out-of-sharing-your-confidential-patient-information  Public health   * Legally information must be shared under public health legislation. This means that you are unable to object.   Care Quality Commission   * Legally information must be shared when the Care Quality Commission [or name of equivalent body] needs it for their regulatory functions. This means that you are unable to object.   Court order   * Your information must be shared if it ordered by a court. This means that you are unable to object. |
| **Right to access and correct** | * You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff. * We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view. |
| **Retention period** | 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: <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>  or speak to the practice. |
| **Right to complain** | You have the right to complain to the Information Commissioner’s Office. If you wish to complain follow this link <https://ico.org.uk/global/contact-us/> or call the helpline **0303 123 1113** |