The Border Practice - Privacy Notice
Health Planning and Quality

How your information is shared so that this practice can meet legal requirements

The law requires The Border Practice 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.

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

- NHS Digital sometimes shares names and addresses of patients suspected of committing immigration offences with the Home Office. More information on this can be found here: https://www.gov.uk/government/publications/information-requests-from-the-home-office-to-nhs-digital

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/

CQC accessing records and GDPR

CQC has powers under the Health and Social Care Act 2008 to access and use information where they consider this is necessary for them to carry out their functions as a regulator. Where possible inspectors should explain why they are asking to look at certain records. They will consider any concerns and objections raised to them, and whether they can achieve CQC's purpose by accessing the records of someone else. However, CQC relies on its legal powers to access information rather than consent, therefore may use its powers to access records even in cases where objections have been raised.

More detail on how they ensure compliance with data protection law (including GDPR) and their privacy statement is **available on their website**. The ICO provides more information and resources on GDPR compliance and can be **contacted for advice**.

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.

Data Controller contact details	The Partners, The Border Practice, Blackwater Way, Aldershot, Hampshire, GU12 4DN
Data Protection Officer contact details	Caroline Sims, Primary Care Information Governance Manager and DPO, NHS South, Central and West Commissioning Support Unit, Omega House, 112 Southampton Road, Eastleigh Hants SO50 5PB. Email: caroline.sims@nhs.net Mob: 07841 533682
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. • Please note: The 'Type 1' objection, however, will no longer be available after 2020. • 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. To opt-out of your identifiable information being shared for medical research or to find out more about your opt-out choices please go to NHS Digital's website: https://digital.nhs.uk/services/national-data-opt-out-programme

	NHS Digital sharing with the Home Office • There is no right of objection to NHS Digital sharing names and addresses of patients who are suspected of having committed an immigration offence. 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 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 or look at our 'subject access request' policy in the GDPR Section of our practice website – www.borderpractice.co.uk • 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**