**Privacy Notice**

**NHS Digital**

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| NHS Digital is the secure haven for NHS patient data, a single secure repository where data collected from all branches of the NHS is processed. NHS Digital provides reports on the performance of the NHS, statistical information, audits and patient outcomes (https://digital.nhs.uk/data-and-information). Examples include; A/E and outpatient waiting times, the numbers of staff in the NHS, percentage target achievements, payments to GPs etc and more specific targeted data collections and reports such as the Female Genital Mutilation, general practice appointments data and English National Diabetes Audits. GPs are required by the Health and Social Care Act to provide NHS Digital with information when instructed. This is a legal obligation which overrides any patient wishes. These instructions are called “Directions”. More information on the directions placed on GPs can be found at https://digital.nhs.uk/article/8059/NHS-England-Directionsand www.nhsdatasharing.info | |
| 1. Data Controller contact details | The Mounts Medical Centre Campbell Street, Northampton, NN1 3DS |
| 1. 2) Data Protection Officer contact details | Head of Information Governance MLCSU Heron House, 120 Grove Road, Fenton, Stoke-on-Trent, ST4 4LX  Tel 01782 916875 Email [mlcsu.dpo@nhs.net](mailto:mlcsu.dpo@nhs.net) |
| 1. Purpose of the processing | Direct Care is care delivered to the individual alone, most of which is provided in the surgery. After a patient agrees to a referral for direct care elsewhere, such as a referral to a specialist in a hospital, necessary and relevant information about the patient, their circumstances and their problem will need to be shared with the other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care. |
| 1. Lawful basis for processing | The processing of personal data in the delivery of direct care and for providers’ administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions 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…’. 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 or the management of health or social care systems and services...” We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”\* |
| 1. Recipient or categories of recipients of the processed data | The data will be shared with Health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care.  • Northampton General Hospital  • Kettering General Hospital  • Northamptonshire Health Foundation Trust  • East Midlands Ambulance Service  • NHS 111  • Northamptonshire Out of Hours Service |
| 1. Rights to object | You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller or the practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance |
| 1. Right to access and correct | You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law. |
| 1. Retention period | GP medical records will be kept in line with the law and national guidance. |
| 1. Right to Complain. | You have the right to complain to the Information Commissioner’s Office, you can use this link [Information Commissioner's Office (ICO)](https://ico.org.uk/) or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website) |

“Common Law Duty of Confidentiality”, common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent. In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

• where the individual to whom the information relates has consented;

• where disclosure is in the public interest; and

• where there is a legal duty to do so, for example a court order