# Processing Activities: Direct Care & Administration

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| **Recipients or categories of recipients of the** **personal or special categories of personal data** | **Purpose of the processing and****data retention periods** | **Lawful basis** | **Your Rights** |
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| **NHS Trusts – Hospitals, Community or Mental Health Trusts.** | Personal data concerning your GP medical record may be shared with NHS Trusts in order to enable their healthcare professionals make the best-informed decision about your health needs and provide you with the best possible care if you visit the hospital for routine care and referrals. Your personal information may also be processed for local administrative purposes such as: Waiting list management; local clinical audit; Performance against local targets; activity monitoring; production of datasets to submit for commissioning purposes and national collections.   The source of the information shared in this way is your electronic GP record. In accordance with DPA Part 1, Schedule 1 (2) health or social care purposes means the purposes of preventive or occupational medicine; medical diagnosis; the provision of health care or treatment; the provision of social care, or the management of health care systems or services or social care systems or services. **Data Retention Period** All records held by the Practice will be kept for the duration specified in the [Records Management Codes of Practice for Health and Social Care](https://www.gov.uk/government/publications/records-management-code-of-practice-for-health-and-social-care). | The processing of **personal data is** permitted under the following GDPR and DPA conditions: [GDPR Article 6(1) (e) – public interest or in the exercise of official authority;](https://gdpr-info.eu/art-6-gdpr/) [DPA Section 8 (d) – processing is necessary for the exercise of statutory functions;](http://www.legislation.gov.uk/ukpga/2018/12/section/8/enacted) The processing of **special categories of personal data concerning health** is permitted under the following GDPR and DPA conditions: [GDPR Article 9 (2)(h) – processing is necessary for medical or social care treatment or, the management of health or social care systems and services;](https://gdpr-info.eu/art-9-gdpr/) [DPA Section 10 (1) (c) – processing is necessary for health and social care purposes;](http://www.legislation.gov.uk/ukpga/2018/12/section/10/enacted) [In accordance with DPA Schedule 1, Part 1, (2) health or social care purposes means the purposes of preventive or occupational medicine; medical diagnosis; the provision of health care or treatment; the provision of social care, or the management of health care systems or services or social care systems or services.](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted) **Related Legislation:** [Common Law of Duty of Confidentiality](https://www.health-ni.gov.uk/articles/common-law-duty-confidentiality)   | **You have the right to:** To access, view or request copies of your personal information;request rectification of any inaccuracy in your personal information;restrict the processing of your personal information where:accuracy of the data is contested,the processing is unlawful or,where we no longer need the data for the purposes of the processing.   **Right to object:** In line with the GDPR Article 21 and DPA Section 99, you have a general right to raise an objection to the processing of your personal data in some particular circumstances. This right only applies where we cannot demonstrate compelling legitimate grounds for continued processing of your personal data for the purposes of direct provision of care, and compliance with a legal obligation to which we are subject. If you wish to exercise any of your rights please contact the Practice (data controller) or the DPO and your request will be carefully considered.   **Right to complain:** If you are dissatisfied with the way Maritime Health Partnership process your data, you have the right to appeal/complain to the Information Commissioner (IC). The IC can be contacted at: Information Commissioner’s Office Wycliffe House Water Lane Wilmslow Cheshire Tel: 0303 123 1113 or 01625 545 745 Email: <https://ico.org.uk/global/contact-us/>  |
| **Emergency Services (Ambulance trusts, police, A&E departments, out of hours services, 111)** | There are circumstances when intervention is necessary in order to save or protect a patient’s life or to prevent them from serious immediate harm, for example, during a collapse or diabetic coma or serious injury or accident. In many of these circumstances the patient may be unconscious or too ill to communicate. Medical professionals have a duty of care to share data in emergencies to protect their patients or other persons. In these circumstances, your GP medical record will be shared with emergency healthcare services, the police or fire service in order to enable you receive the best treatment or service.   The source of the information shared in this way is your electronic GP record.   **Data Retention Period** All records held by the Practice will be kept for the duration specified in the [Records Management Codes of Practice for Health and Social Care](https://www.gov.uk/government/publications/records-management-code-of-practice-for-health-and-social-care). | The processing of **personal data is** permitted under the following GDPR and DPA conditions: [GDPR Article 6(1) (e) – public interest or in the exercise of official authority;](https://gdpr-info.eu/art-6-gdpr/) [DPA Section 8 (d) – processing is necessary for the exercise of statutory functions;](http://www.legislation.gov.uk/ukpga/2018/12/section/8/enacted) The processing of **special categories of personal data concerning health** is permitted under the following GDPR and DPA conditions: [GDPR Article 9 (2)(h) – processing is necessary for medical or social care treatment or, the management of health or social care systems and services;](https://gdpr-info.eu/art-9-gdpr/) [Article 9 (2) (C) – theprocessing is necessary to protect the vital interests of the data subject](https://gdpr-info.eu/art-9-gdpr/); [DPA Section 10 (1) (c) – processing is necessary for health and social care purposes;](http://www.legislation.gov.uk/ukpga/2018/12/section/10/enacted) [In accordance with DPA Schedule 1, Part 1, (2) health or social care purposes means the purposes of preventive or occupational medicine; medical diagnosis; the provision of health care or treatment; the provision of social care, or the management of health care systems or services or social care systems or services.](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted) [In accordance with DPA Schedule 1, Part 3, (30) (b) the conditions for protecting individual’s vital interests is met where the data subject is physically or legally incapable of giving consent.](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted) | **You have the right to:** Make pre-determined decisions about the type and extent of care you will receive in an emergency, these are known as “Advance Directives”;access, view or request copies of your personal information; request rectification of any inaccuracy in your personal information; restrict the processing of your personal information where: accuracy of the data is contested, the processing is unlawful or, where we no longer need the data for the purposes of the processing. **Right to object:** You have the right to object to some or all of your personal information being shared with the recipients. You also have the right to have an “Advance Directive” placed in your records and brought to the attention of relevant healthcare workers or staff. We will notify you at the earliest opportunity where we have shared your personal data in an emergency situation. If you wish to exercise any of your rights please contact the Practice (data controller) or the DPO and your request will be carefully considered. **Right to complain:** If you are dissatisfied with the way Maritime Health Partnership process your data, you have the right to appeal/complain to the Information Commissioner (IC). The IC can be contacted at: Information Commissioner’s Office Wycliffe House Water Lane Wilmslow Cheshire Tel: 0303 123 1113 or 01625 545 745 Email: <https://ico.org.uk/global/contact-us/>  |
| **GP Federations (groups of GP practices working together)**  | GP Federations are groups of GPs (patient centered organisation), working collaboratively and developing closer integration with other partners across health, social and third sector partners to facilitate an enhanced delivery of health and care services. Through various hubs in the community the GP Federation provide direct health and care services such as continued extended access, home visits, universal offers, musculoskeletal service, GP at front door and other neighbourhood services across Medway If you visit receive treatment/consultation on any of these services, personal data concerning your GP medical record may be shared with the GP Federation and their Multidisciplinary Team (MDT) in order to enable them make the best informed decision about your health/care needs, and provide you with the best possible care. The source of the information shared in this way is your electronic GP record. **Data Retention Period** All records held by the Practice will be kept for the duration specified in the [Records Management Codes of Practice for Health and Social Care](https://www.gov.uk/government/publications/records-management-code-of-practice-for-health-and-social-care). | The processing of **personal data is** permitted under the following GDPR and DPA conditions: [GDPR Article 6(1) (e) – public interest or in the exercise of official authority;](https://gdpr-info.eu/art-6-gdpr/) [DPA Section 8 (d) – processing is necessary for the exercise of statutory functions;](http://www.legislation.gov.uk/ukpga/2018/12/section/8/enacted) The processing of **special categories of personal data concerning health** is permitted under the following GDPR and DPA conditions: [GDPR Article 9 (2)(h) – processing is necessary for medical or social care treatment or, the management of health or social care systems and services;](https://gdpr-info.eu/art-9-gdpr/) [DPA Section 10 (1) (c) – processing is necessary for health and social care purposes;](http://www.legislation.gov.uk/ukpga/2018/12/section/10/enacted) [In accordance with DPA Schedule 1, Part 1, (2) health or social care purposes means the purposes of preventive or occupational medicine; medical diagnosis; the provision of health care or treatment; the provision of social care, or the management of health care systems or services or social care systems or services.](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted) **Related Legislation:** [Section 251B Health and Social Care (Safety and Quality Act) 2015 (Duty to Share)](http://www.legislation.gov.uk/ukpga/2015/28/pdfs/ukpga_20150028_en.pdf); [Common Law of Duty of Confidentiality](https://www.health-ni.gov.uk/articles/common-law-duty-confidentiality) | **You have the right to:** To access, view or request copies of your personal information;request rectification of any inaccuracy in your personal information;restrict the processing of your personal information where:accuracy of the data is contested,the processing is unlawful or,where we no longer need the data for the purposes of the processing.   **Right to object:** In line with the GDPR Article 21, you have a general right to raise an objection to the processing of your personal data in some particular circumstances. This right only applies where we cannot demonstrate compelling legitimate grounds for continued processing of your personal data for the purposes of direct provision of care, and compliance with a legal obligation to which we are subject. If you wish to exercise any of your rights please contact the Practice (data controller) or the DPO and your request will be carefully considered. **Right to complain:** If you are dissatisfied with the way Maritime Health Partnership process your data, you have the right to appeal/complain to the Information Commissioner (IC). The IC can be contacted at: Information Commissioner’s Office Wycliffe House Water Lane Wilmslow Cheshire Tel: 0303 123 1113 or 01625 545 745 Email: <https://ico.org.uk/global/contact-us/>  |
| **Pharmacists –**Medicines Optimisation | Medicines optimisation looks at the value which medicines deliver, making sure they are clinically-effective and cost-effective. It is about ensuring patients get the right choice of medicines, at the right time, and are engaged in the process by their clinical team. Medicines optimisation enables community pharmacies to request medication electronically from the Practice and view relevant information from your GP record in order to provide you with the best medicines.   The source of the information shared in this way is your electronic GP record.   **Data Retention Period** All records held by the Practice will be kept for the duration specified in the [Records Management Codes of Practice for Health and Social Care](https://www.gov.uk/government/publications/records-management-code-of-practice-for-health-and-social-care).     | The processing of **personal data is** permitted under the following GDPR and DPA conditions: [GDPR Article 6(1) (e) – public interest or in the exercise of official authority;](https://gdpr-info.eu/art-6-gdpr/) [DPA Section 8 (d) – processing is necessary for the exercise of statutory functions;](http://www.legislation.gov.uk/ukpga/2018/12/section/8/enacted) The processing of **special categories of personal data concerning health** is permitted under the following GDPR and DPA conditions: [GDPR Article 9 (2)(h) – processing is necessary for medical or social care treatment or, the management of health or social care systems and services;](https://gdpr-info.eu/art-9-gdpr/) [DPA Section 10 (1) (c) – processing is necessary for health and social care purposes;](http://www.legislation.gov.uk/ukpga/2018/12/section/10/enacted) [In accordance with DPA Schedule 1, Part 1, (2) health or social care purposes means the purposes of preventive or occupational medicine; medical diagnosis; the provision of health care or treatment; the provision of social care, or the management of health care systems or services or social care systems or services.](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted)   **Related Legislation:** [Common Law of Duty of Confidentiality](https://www.health-ni.gov.uk/articles/common-law-duty-confidentiality) | **You have the right to:** To access, view or request copies of your personal information; request rectification of any inaccuracy in your personal information; restrict the processing of your personal information where: accuracy of the data is contested, the processing is unlawful or, where we no longer need the data for the purposes of the processing.   **Right to object:** In line with the GDPR Article 21, you have a general right to raise an objection to the processing of your personal data in some circumstances. This right only applies where we cannot demonstrate compelling legitimate grounds for continued processing of your personal data for the purposes of direct provision of care, and compliance with a legal obligation to which we are subject. If you wish to exercise any of your rights, please contact the Practice (data controller) or the DPO and your request will be carefully considered.**Right to complain:** If you are dissatisfied with the way Maritime Health Partnership process your data, you have the right to appeal/complain to the Information Commissioner (IC). The IC can be contacted at: Information Commissioner’s Office Wycliffe House Water Lane Wilmslow Cheshire Tel: 0303 123 1113 or 01625 545 745 Email: <https://ico.org.uk/global/contact-us/>  |
| **Local Authority – Social Services** | Maritime Health Partnership  works closely with Local Authoritiesto support and care for people of all ages to deliver the best possible social care. Personal data concerning your GP medical record may be shared with Local Authorities and Multidisciplinary Team (MDT) delivering social care in order to enable them make the best informed decision about your social care needs if required. The source of the information shared in this way is your electronic GP record. **Data Retention Period** All records held by the Practice will be kept for the duration specified in the [Records Management Codes of Practice for Health and Social Care](https://www.gov.uk/government/publications/records-management-code-of-practice-for-health-and-social-care). | The processing of **personal data is** permitted under the following GDPR and DPA conditions: [GDPR Article 6(1) (e) – public interest or in the exercise of official authority;](https://gdpr-info.eu/art-6-gdpr/) [DPA Section 8 (d) – processing is necessary for the exercise of statutory functions;](http://www.legislation.gov.uk/ukpga/2018/12/section/8/enacted) The processing of **special categories of personal data concerning health** is permitted under the following GDPR and DPA conditions: [GDPR Article 9 (2)(h) – processing is necessary for medical or social care treatment or, the management of health or social care systems and services;](https://gdpr-info.eu/art-9-gdpr/) [GDPR Article 9(2) (b) – processing necessary in the field of employment, social security and social protection law;](https://gdpr-info.eu/art-9-gdpr/) [In accordance with DPA Schedule 1, Part 1, (2) – health or social care purposes means the purposes of preventive or occupational medicine; medical diagnosis; the provision of health care or treatment; the provision of social care, or the management of health care systems or services or social care systems or services.](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted) [In accordance with DPA Part 1, Schedule 1, (1a) the the processing for employment, social security and social protection is met where it is for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection;](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted)   | **You have the right to:** To access, view or request copies of your personal information;request rectification of any inaccuracy in your personal information;restrict the processing of your personal information where:accuracy of the data is contested,the processing is unlawful or,where we no longer need the data for the purposes of the processing.   **Right to object:** In line with the GDPR Article 21, you have a general right to raise an objection to the processing of your personal data in some particular circumstances. This right only applies where we cannot demonstrate compelling legitimate grounds for continued processing of your personal data for the purposes of direct provision of care, and compliance with a legal obligation to which we are subject. If you wish to exercise any of your rights please contact the Practice (data controller) or the DPO and your request will be carefully considered. **Right to complain:** If you are dissatisfied with the way Maritime Health Partnership process your data, you have the right to appeal/complain to the Information Commissioner (IC). The IC can be contacted at: Information Commissioner’s Office Wycliffe House Water Lane Wilmslow Cheshire Tel: 0303 123 1113 or 01625 545 745 Email: <https://ico.org.uk/global/contact-us/>  |
| **Care Homes** | Personal data concerning your GP medical record may be shared with Care Homes and other Multidisciplinary Team (MDT) delivering care in order to enable their care professionals make the best informed decision about your care needs, and provide you with the best possible care if you visit a Care Home. The source of the information shared in this way is your electronic GP record. **Data Retention Period** All records held by the Practice will be kept for the duration specified in the [Records Management Codes of Practice for Health and Social Care](https://www.gov.uk/government/publications/records-management-code-of-practice-for-health-and-social-care).   | The processing of **personal data is** permitted under the following GDPR and DPA conditions: [GDPR Article 6(1) (e) – public interest or in the exercise of official authority;](https://gdpr-info.eu/art-6-gdpr/) [DPA Section 8 (d) – processing is necessary for the exercise of statutory functions;](http://www.legislation.gov.uk/ukpga/2018/12/section/8/enacted) The processing of **special categories of personal data concerning health** is permitted under the following GDPR and DPA conditions: [GDPR Article 9 (2)(h) – processing is necessary for medical or social care treatment or, the management of health or social care systems and services;](https://gdpr-info.eu/art-9-gdpr/) [DPA Section 10 (1) (c) – processing is necessary for health and social care purposes;](http://www.legislation.gov.uk/ukpga/2018/12/section/10/enacted)   [In accordance with DPA Schedule 1, Part 1, (2) -health or social care purposes means the purposes of preventive or occupational medicine; medical diagnosis; the provision of health care or treatment; the provision of social care, or the management of health care systems or services or social care systems or services.](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted) | **You have the right to:** inaccuracy in your personal information;processing is unlawful or,   **Right to object:** In line with the GDPR Article 21, you have a general right to raise an objection to the processing of your personal data in some particular circumstances. This right only applies where we cannot demonstrate compelling legitimate grounds for continued processing of your personal data for the purposes of direct provision of care, and compliance with a legal obligation to which we are subject.   If you wish to exercise any of your rights please contact the Practice (data controller) or the DPO and your request will be carefully considered. **Right to complain:** If you are dissatisfied with the way Maritime Health Partnership process your data, you have the right to appeal/complain to the Information Commissioner (IC). The IC can be contacted at: Information Commissioner’s Office Wycliffe House Water Lane Wilmslow Cheshire Tel: 0303 123 1113 or 01625 545 745 Email: <https://ico.org.uk/global/contact-us/>  |
| **Community Pharmacy BP monitoring**  | The NHS Community Pharmacist Consultation Service (CPCS) is a National Programme and was launched by NHS England and NHS Improvement on the 29 October 2019, to progress the integration of community pharmacy into local NHS urgent care services, providing more convenient treatment closer to patients’ homes If a patient presents at a GP Practice with a minor ailment which falls within the criteria for this service, the patient would be offered a GP CPCS referral and would need to consent to the referral. The patient would then state which Pharmacy they wish the consultation to take place at. The practice care navigator/receptionist/call handler will then generate the referral.   The Data Retention Period The Standard Care Records retention period will be applied. All data is held in line with NHSE data retention guidelines | Within the General Data Protection Regulation (GDPR), Article 6 sets out the conditions for lawfully processing personal data and Article 9 sets out further conditions for processing special categories of personal data. As personal data concerning health is one of the special categories, organisations that process such data must be able to demonstrate they have met a condition in both Article 6 and Article 9. Under the GDPR, for processing personal data in the delivery of direct care, and for providers’ administrative purposes, the most appropriate Article 6 condition that is available to all public funded health and social care organisations is 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 Data Controller”. For work undertaken the relevant condition to rely on under Article 9 is (2)(h): “processing is necessary for the purposes of preventive or occupational medicine, medical diagnosis, provision of health or social care treatment.” (read with Schedule 1 paragraph 2 of the Data Protection Act). There is an obligation in s. 251B of the Health and Social Care Act 2012 to share information amongst relevant commissioners and providers for the purposes of direct care. | **You have the right to:** To access, view or request copies of your personal information;request rectification of any inaccuracy in your personal information;restrict the processing of your personal information where:accuracy of the data is contested,the processing is unlawful or,where we no longer need the data for the purposes of the processing.   **Right to object:** In line with the GDPR Article 21, you have a general right to raise an objection to the processing of your personal data in some particular circumstances. This right only applies where we cannot demonstrate compelling legitimate grounds for continued processing of your personal data for the purposes of direct provision of care, and compliance with a legal obligation to which we are subject. If you wish to exercise any of your rights please contact the Practice (data controller) or the DPO and your request will be carefully considered. **Right to complain:** If you are dissatisfied with the way Maritime Health Partnership process your data, you have the right to appeal/complain to the Information Commissioner (IC). The IC can be contacted at: Information Commissioner’s Office Wycliffe House Water Lane Wilmslow Cheshire Tel: 0303 123 1113 or 01625 545 745 Email: <https://ico.org.uk/global/contact-us/>  |
| **Population Health Management (HealtheIntent)**[Privacy notice | Lewisham and Greenwich](https://www.lewishamandgreenwich.nhs.uk/privacy-notice) | In the National Health Service (NHS), we aim to provide you with the highest quality healthcare. To do this we must keep information about you, your health and the care we have provided to you or plan to provide to you. This privacy statement provides a summary of how we use your information.The Data Protection Act 2018 and United Kingdom General Data Protection Regulation (UK GDPR) controls how your personal information is used by organisations, businesses or the government. The Data Protection Act 2018 defines the Lewisham and Greenwich NHS Trust as a ‘data controller’ of personal information. We collect information to help us provide and manage healthcare to our patients. Lewisham and Greenwich is registered with the Information Commissioner’s Office, Certificate Reference number Z4898169.If you are looking for information about privacy, please contact Lg.ig@nhs.net[Privacy notice | Lewisham and Greenwich](https://www.lewishamandgreenwich.nhs.uk/privacy-notice) | The UK GDPR requires that data controllers and organisations that process personal data demonstrate compliance with its provisions. This involves publishing our basis for lawful processing.**As personal data is processed for the purposes of Trust’s statutory functions, the Trust’s legal bases for the processing of personal data as listed in Article 6 of the UK GDPR are as follows:*** Article 6(1)(b) – Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
* Article 6(1)(c) – Processing is necessary for compliance with a legal obligation
* Article 6 (1) (d) provides a lawful basis for processing where: “processing is necessary in order to protect the **vital** interests of the data subject or of another natural person” (Note a person is a person who is alive.)
* 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

**Where the Trust processes special categories of personal data, its additional legal bases for processing such data as listed in Article 9 of the UK GDPR are as follows:*** 9(2)(f) – Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
* 9(2)(h) – Processing is necessary for health or social care (with a basis in law)
* 9(2)(i) – Processing is necessary for public health (with a basis in law)
* 9(2)(j) – Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes

**The UK GDPR defines special category data as:*** personal data revealing racial or ethnic origin;
* personal data revealing political opinions;
* personal data revealing religious or philosophical beliefs;
* personal data revealing trade union membership;
* genetic data;
* biometric data (where used for identification purposes);
* data concerning health;
* data concerning a person’s sex life; and
* data concerning a person’s sexual orientation.

Please note that not all the above legal bases will apply for each type of processing activity that the Trust may undertake. However, when processing any personal data for any particular purpose, one or more of the above legal bases will apply. | **What are your rights?**The UK GDPR provides the following rights for individuals:* The right to be informed
* The right of access
* The right to rectification
* The right to erasure
* The right to restrict processing
* The right to data portability
* The right to object
* Rights in relation to automated decision making and profiling.

Some of these rights are qualified rights and some are absolute rights.For further information, or if you wish make an Individual Rights Request(s), please contact the Trust Information Governance Team Lg.ig@nhs.net, or call the Trust on the numbers provided below and ask for the Information Governance Team in the first instance.Under the Data Protection Act 2018 UK GDPR, individuals have a right to access information that is held about them by an organisation.If you have undergone medical treatment at University Hospital Lewisham, Queen Elizabeth Hospital Woolwich, some acute services at Queen Mary’s Sidcup or Lewisham Community NHS, please contact Lg.ig@nhs.netHow do I raise a concern?To raise any concern with us, please contact the [Patient Advice and Liaison Service (PALS)](https://www.lewishamandgreenwich.nhs.uk/pals). |
| **Community Pharmacy Consultation Service** | The NHS Community Pharmacist Consultation Service (CPCS) is a National Programme and was launched by NHS England and NHS Improvement on the 29 October 2019, to progress the integration of community pharmacy into local NHS urgent care services, providing more convenient treatment closer to patients’ homes If a patient presents at a GP Practice with a minor ailment which falls within the criteria for this service, the patient would be offered a GP CPCS referral and would need to consent to the referral. The patient would then state which Pharmacy they wish the consultation to take place at. The practice care navigator/receptionist/call handler will then generate the referral.   **The Data Retention Period** The Standard Care Records retention period will be applied. All data is held in line with NHSE data retention guidelines | Within the General Data Protection Regulation (GDPR), Article 6 sets out the conditions for lawfully processing personal data and Article 9 sets out further conditions for processing special categories of personal data. As personal data concerning health is one of the special categories, organisations that process such data must be able to demonstrate they have met a condition in both Article 6 and Article 9. Under the GDPR, for processing personal data in the delivery of direct care, and for providers’ administrative purposes, the most appropriate Article 6 condition that is available to all public funded health and social care organisations is 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 Data Controller”. For work undertaken the relevant condition to rely on under Article 9 is (2)(h): “processing is necessary for the purposes of preventive or occupational medicine, medical diagnosis, provision of health or social care treatment.” (read with Schedule 1 paragraph 2 of the Data Protection Act). There is an obligation in s. 251B of the Health and Social Care Act 2012 to share information amongst relevant commissioners and providers for the purposes of direct care. | **You have the right to:** To access, view or request copies of your personal information;request rectification of any inaccuracy in your personal information;restrict the processing of your personal information where:accuracy of the data is contested,the processing is unlawful or,where we no longer need the data for the purposes of the processing.   **Right to object:** In line with the GDPR Article 21, you have a general right to raise an objection to the processing of your personal data in some particular circumstances. This right only applies where we cannot demonstrate compelling legitimate grounds for continued processing of your personal data for the purposes of direct provision of care, and compliance with a legal obligation to which we are subject. If you wish to exercise any of your rights please contact the Practice (data controller) or the DPO and your request will be carefully considered. **Right to complain:** If you are dissatisfied with the way Maritime Health Partnership process your data, you have the right to appeal/complain to the Information Commissioner (IC). The IC can be contacted at: Information Commissioner’s Office Wycliffe House Water Lane Wilmslow Cheshire Tel: 0303 123 1113 or 01625 545 745 Email: <https://ico.org.uk/global/contact-us/>  |
| **HCRG Care Group and GPs EMIS** **DGS GP Practices** **Swale GP Practices** | The information sharing agreement has been drafted to support clinicians in sharing relevant and appropriate clinical information between the GP practices and Adult Community services within HCRG Care Group for the purposes of Direct Care, using the EMIS clinical information system. The GPs will sign up to the EMIS Configuration document which will be managed by the HCRG Care Group clinical systems team who will then complete the technical information sharing. The purpose of the sharing of information detailed in this agreement is: 1. To deliver health care to patients 2. Support services that are managed by HCRG Care Group & GP practices 3. To allow appropriate data sharing of care records through EMIS to EMIS HCRG Care Ltd   **Data Retention Period**  All data, whether held on paper or in electronic format must be stored and disposed of in line with each partner organisation’s retention and disposal schedule. Retention periods should be informed by the Records Management Code of Practice published on 4 August 2021 by the Information Governance Alliance (IGA). | 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’. Where special categories personal data is being processed for purposes related to the commissioning and provision of health and social care services the condition is: Article 9(2)(h) – ‘processing is necessary for the purposes of preventive or occupational medicine, for … medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services…’ HCRG Care Ltd, company number 5466033 registered in England and Wales at The Heath Business and Technical Park, Runcorn, Cheshire WA7 4QX Send any correspondence to the address at the top of this letter UK GDPR Article 6(1)(e) and Article 9(2)(h) is the lawful basis Yes Sharing for Safeguarding Purposes For the purposes of safeguarding vulnerable patients/service users, the Article 6(1)(e) and 9(2)(b) may apply. The Children Act 1989 (CA) establishes implied powers for local authorities to share information to safeguard children. Local authorities have a duty to investigate where a child is the subject of an emergency protection order, is in police protection or where there is reasonable cause to suspect that a child is suffering or is likely to suffer significant harm. The CA also requires local authorities ‘to safeguard and promote the welfare of children within their area who are in need’ and to request help from specified authorities including NHS organisation. These are required by the CA to comply ‘…with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions’. Under the Children Act 2004 local authorities must make arrangements to promote cooperation with relevant partners and others, to improve well-being. • 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’. Where special categories personal data is being processed for purposes related to the commissioning and provision of health and social care services the condition is: Article 9(2)(b) – ‘‘…is necessary for the purposes of carrying out the obligations and exercising the specific rights of the controller or of the data subject in the field of …social protection law in so far as it is authorised by Union or Member State law…’ UK GDPR Article 6(1)(e) and Article 9(2)(b) is the lawful basis Explicit consent is available as a lawful basis for processing special categories of data but is not normally use consent as a legal basis in a healthcare setting. | **You have the right to:** To access, view or request copies of your personal information;request rectification of any inaccuracy in your personal information;restrict the processing of your personal information where:accuracy of the data is contested,the processing is unlawful or,where we no longer need the data for the purposes of the processing.   **Right to object:** In line with the GDPR Article 21, you have a general right to raise an objection to the processing of your personal data in some particular circumstances. This right only applies where we cannot demonstrate compelling legitimate grounds for continued processing of your personal data for the purposes of direct provision of care, and compliance with a legal obligation to which we are subject. If you wish to exercise any of your rights please contact the Practice (data controller) or the DPO and your request will be carefully considered. **Right to complain:** If you are dissatisfied with the way Maritime Health Partnership process your data, you have the right to appeal/complain to the Information Commissioner (IC). The IC can be contacted at: Information Commissioner’s Office Wycliffe House Water Lane Wilmslow Cheshire Tel: 0303 123 1113 or 01625 545 745 Email: <https://ico.org.uk/global/contact-us/>  |