



MID DEVON MEDICAL PRACTICE

Children's Privacy Notice (England)

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1 Introduction

1.1 Policy statement

NHS England (NHSE) is a data controller and has a legal duty, in line with the UK General Data Protection Regulation (UK GDPR), to explain why it is using patient data and what data is being used. Similarly, Mid Devon Medical Practice has a duty to advise patients of the purpose of personal data and the methods by which patient personal data will be processed.

NHSE collects information with the purpose of improving health and care for everyone. The information collected is used to:

- Run the health service
- Manage epidemics
- Plan for the future
- Research health conditions, diseases and treatments

All staff should be aware of the children's privacy notice and be able to advise patients, their relatives and carers what information is collected, how that information may be used and with whom the organisation will share that information.

The first principle of data protection is that personal data must be processed fairly and lawfully. Being transparent and providing accessible information to patients about how their personal data is used is a key element of the UK GDPR.

Further reading can be found [here](#).



[UK General Data Protection Regulation \(UK GDPR\)](#) and [GDPR – The Perfect Practice](#) eLearning courses are available in the [HUB](#).

1.2 Status

The organisation aims to design and implement policies and procedures that meet the diverse needs of our service and workforce, ensuring that none are placed at a disadvantage over others, in accordance with the [Equality Act 2010](#). Consideration has been given to the impact this policy might have regarding the individual protected characteristics of those to whom it applies.



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This document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time. For the avoidance of doubt, it does not form part of your contract of employment. Furthermore, this document applies to all employees of the organisation and other individuals performing functions in relation to the practice such as agency workers, locums and contractors.

2 Compliance with regulations

2.1 UK GDPR

In accordance with the UK GDPR, this organisation will ensure that information provided to subjects about how their data is processed will be:

- Concise, transparent, intelligible and easily accessible
- Written in clear and plain language, particularly if addressed to a child
- Free of charge

2.2 Article 5 compliance

In accordance with Article 5 of the UK GDPR, this organisation will ensure that any personal data is:

- Processed lawfully, fairly and in a transparent manner in relation to the data subject
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures



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Article 5 also stipulates that the controller shall be responsible for, and be able to demonstrate compliance with, the above.

2.3 Communicating privacy information

At this organisation, this privacy notice is displayed on our website, through signage in the waiting room and in writing during patient registration. We will:

- Inform patients how their data will be used and for what purpose
- Allow patients to opt out of sharing their data, should they so wish

2.4 What data will be collected?

The following data will be collected:

- Patient details (name, date of birth, NHS number)
- Address and NOK information
- Medical notes (paper and electronic)
- Details of treatment and care, including medications
- Results of tests (pathology, X-ray, etc.)
- Any other pertinent information

2.5 National data opt-out programme

The national data opt-out programme affords patients the opportunity to make an informed choice about whether they wish their confidential patient information to be used solely for their individual care and treatment or also used for research and planning purposes.

NHSE have provided a document titled [Understanding the national data opt-out](#).

Patients who wish to opt out of data collection can register a national data opt out. Further reading can be found at this NHSE webpage titled [Setting or changing a national data opt-out choice](#). This includes information regarding children and their privacy.

This organisation has proved compliance by publishing the organisational privacy notice and submitting the Data Security and Protection Toolkit assessment.

Further information about opting out can be found in the NHS England webpage titled [Make a choice about sharing data from your health records](#).



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3 General practice data for planning and research data collection

3.1 About

This data collection will help the NHS to improve health and care services for everyone by collecting patient data that can be used to do this.

The [GDPR](#) is designed to help the NHS to:

- Monitor the long-term safety and effectiveness of care
- Plan how to deliver better health and care services
- Prevent the spread of infectious diseases
- Identify new treatments and medicines through health research

3.2 Data sharing

Data may be shared from GP medical records for:

- Any living patient registered at a GP practice in England when the collection started, this includes children and adults
- Any patient who died after this data sharing started and was previously registered at a GP practice in England when the data collection started

NHSE will not share the patient's name or demographic details.

Any other data that could directly identify the patient will be replaced with unique codes which are produced by de-identification software before the data is shared with NHSE, including:

- NHS number
- General Practice Local Patient Number
- Full postcode
- Date of birth

This process is called pseudonymisation and means that no one will be able to directly identify the patient in the data.

It should be noted that NHSE will be able to use the same software to convert the unique codes back to data that could directly identify the patient in certain circumstances, and where there is a valid legal reason.

For further reading, refer to the NHSE webpage titled [About the GDPR programme](#).



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3.3 What information can and cannot be shared

NHSE will collect structured and coded data from patient medical records including:

- Data about diagnoses, symptoms, observations, test results, medications, allergies, immunisations, referrals, recalls and appointments including information about physical, mental and sexual health
- Data on sex, ethnicity and sexual orientation
- Data about staff who have treated patients

NHSE will not collect:

- Name and address (except for postcode, protected in a unique coded form)
- Written notes (free text), such as the details of conversations with doctors and nurses
- Images, letters and documents
- Coded data that is not needed due to its age – for example medication, referral and appointment data that is over 10 years old
- Coded data that GPs are not permitted to share by law – for example certain codes about gender re-assignment

Further reading can be sought from the NHSE webpage titled [Looking after your data](#).

3.4 Opting out

Primary care organisations have been required to honour the National Data Opt-out (NDO-O) since 31 July 2022 and practices should now be complying with the NDO-O, unless there is a specific reason not to do so.

This means that patients who do not want their identifiable patient data to be shared for purposes except for their own care can opt-out by registering to [opt-out](#) or set out their data opt out choice via the [national data opt-out \(NDO-O\)](#). Patients can do both.

Further reading can be found in NHS E webpage titled [Compliance with the national data opt-out](#).

3.5 Available resources

The following resources are available for staff at this organisation



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- [National Data Guardian for Health and Care – review of data security, consent and opt outs](#)
- [National data opt out – data protection impact assessment](#)
- [National data opt out training](#)
- [Guidance for health and care staff](#)
- [Supporting your patients – information and resources](#)
- [Information for GP practices](#)
- [Understanding the national data opt out](#)

Further information is available within the [National data opt out guidance](#).

4 Further information

4.1 Privacy notice checklists

The Information Commissioner's Office has provided a privacy notice [checklist](#) that can be used to support.

4.2 Privacy notice template

A privacy notice template can be found at [Annex A](#).



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Annex A – Children’s Privacy Notice

Mid Devon Medical Practice has a legal duty to explain how we use any personal information we collect about you, as a registered patient, at the organisation. Staff at this organisation maintain records about your health and the treatment you receive in electronic and paper format.

WHAT IS A PRIVACY NOTICE AND WHY DOES IT APPLY TO ME?

A privacy notice tells people how organisations use information that they hold about them. The law that supports privacy is the Data Protection Act 2016 and this includes the UK General Data Protection Regulation, also known as UK GDPR. The UK GDPR details what needs to be provided within the privacy notice, this is:



- What information we hold about you
- How we keep this especially important information safe and secure and where we keep it
- How we use your information
- Who we share your information with
- What your rights are
- When the law gives us permission to use your information



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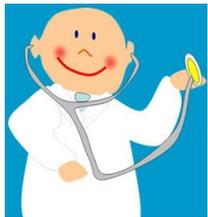


WHY DOES THE LAW SAY YOU CAN USE MY INFORMATION?

The law gives us permission to use your information in situations where we need it to take care of you. Because information about your health is very personal, sensitive and private to you, the law is very strict about how we use it.

So, before we can use your information in the ways we have set out in this privacy notice, we have to have a good reason in law which is called a 'lawful basis'. Not only do we have to do that, but we also have to show that your information falls into a special group or category because it is very sensitive. By doing this, the law makes sure we only use your information to look after you and that we do not use it for any other reason.

If you would like more information about this, please ask to speak to our Data Protection Officer (DPO) mentioned in this privacy notice who will explain this in more detail.



ABOUT US

This practice is responsible for collecting, storing and handling your information when you are registered with us as a patient. Because we do this, the law says we are the data controller. Sometimes we may use your information for a particular purpose and, when we do so, the law says we are the data processor.



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WHAT INFORMATION DO WE HOLD ABOUT YOU?

Personal information is anything that identifies you as a person and we all have personal information. Personal information that tells us something about you includes:

- Your name
- Address
- Mobile number
- Information about your parent(s) or person with parental responsibility
- All your health records
- Appointment records
- Treatments you have had
- Medicines prescribed for you and any other information to help us look after you



HOW DO WE KEEP IT SAFE?

The law says that we must do all we can to keep your information private, safe and secure.

We use secure computer systems, and we make sure that any written information held about you is kept securely. We also train our staff to respect your privacy and deal with your information in a manner that makes sure it is always kept and dealt with in a safe way.





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WHAT DO WE DO WITH YOUR INFORMATION?



We only usually use your information to help us to care for you. That means we might need to share your information with other people who are concerned and involved with looking after your health.

We might need to share your information with the police, courts, social services, solicitors and other people who have a right to your information, but we always make sure that they have a legal right to see it (or have a copy of it) before we provide it to them.

WHO ELSE WILL SEE MY INFORMATION?



- Usually, only staff at this practice are allowed to see your information. Should you need to go to the hospital then we may be asked to share your information with them, but this is only so that we can take care of you.
- Sometimes we might be asked to take part in medical research that could help you in the future. We will always ask you or your parent(s) or an adult with parental responsibility if we can share your information if this happens.
- Possibly the police, social services, the courts or other organisations and people who may have a legal right to see your information



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WHAT IF I WANT TO SEE MY INFORMATION YOU HOLD ABOUT ME?

If you want to see what information we hold about you then you have a right to see it and you can ask for it.

To ask to see your information you will need to complete a Subject Access Request (SAR). There are some rules on this so, if you are under 16, your parents or adults with parental responsibility can do this on your behalf. But if you are over 12, you may be classed as being competent and you may be able to do this yourself. We will give this to you free of charge.



If you think there are any errors in the information we hold about you then you can ask us to correct it but the law says we cannot remove any of the information we hold about you even if you ask us to. This is because we need this information to take care of you.

However, you have a right to ask us not to share your information. Should you would like to talk to us about not sharing your information, even if this means you do not want us to share your information with your parent(s) or an adult with parental responsibility, please let us know. We will be happy to help.



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WHAT IF I HAVE A QUESTION?

Should you have any questions about our privacy policy or the information we hold about you, you can:

- Contact the organisation via email at icb-witheridge@nhs.net. GP practices are data controllers for the data they hold about their patients
- Write to the Data Protection Officer (DPO) at this practice Bex Lovewell, County Hall, Topsham Road, Exeter, Devon, EX2 4QL
- Ask to speak to the Practice Manager: Vicki Cole.



WHAT IF I HAVE A COMPLAINT ABOUT HOW YOU LOOK AFTER MY INFORMATION?

If you are unhappy with any element of our data processing methods, contact the Practice Manager Vicki Cole in the first instance. If you feel that we have not addressed your concern appropriately, you have the right to lodge a complaint with the Information Commissioner's Office (ICO).

The ICO can be contacted on <https://ico.org.uk> and selecting "Raising a concern" or telephone: 0303 123 1113.

The ICO is the regulator for data protection and offers independent advice and guidance on the law and personal data including your rights and how to access your personal information.





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This privacy notice was last updated on 13/10/2023 and will be reviewed on 13/10/2024