

# The Harbours Medical Practice

## Data Protection Notice

### 1. About The Harbours Medical Practice

The Harbours Medical Practice is an independent contractor providing primary medical services by way of a contract with NHS Lothian, made under the National Health Service (Scotland) Act 1978 (the 1978 Act).

The practice aims to ensure the highest standard of medical care for our patients. To do these we keep records that include personal information relating to our patients, staff and other people we interact with in carrying out our duties.

### 2. About the personal information we use

This information notice tells you what to expect when the practice collects personal data. It applies to personal information we collect and use different groups of individuals including:

- Patients
- Practice staff
- Contractors
- Suppliers
- Complainants, enquirers

The personal information we use includes information that identifies you like your name, address, date of birth and postcode.

The information we use can relate to personal and family details; education, training and employment details; financial details; lifestyle and social circumstances; goods and services; details held in the patient record; responses to surveys.

### 3. Our purposes for using personal information

We use personal information to enable us to provide healthcare services for patients (including reminding you of appointments); research; supporting and managing our employees; maintaining our accounts and records.

### 4. Our legal basis for using personal information

The practice is required to have a legal basis when using personal information. We consider that the performance of our tasks and functions are in the public interest. So when using personal information our legal basis is usually that its use is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us. In some situations we may rely on a different legal basis; for example, when we are using personal information to pay a supplier, our legal basis is that its use is necessary for the purposes of our legitimate interests as a buyer of goods and services. Another example would be for compliance with a legal obligation to which the practice is subject to, for example under the Public Health etc (Scotland) Act 2008 we are required to notify Health Protection Scotland when someone contracts a specific disease.

When we are using more sensitive types of personal information, including health information, our legal basis is usually that the use is necessary:

- for the provision of health or social care or treatment or the management of health or social care systems and services; or
- for reasons of public interest in the area of public health; or
- for reasons of substantial public interest for aims that are proportionate and respect people's rights, for example research; or
- in order to protect the vital interests of an individual; or
- for the establishment, exercise or defence of legal claims or in the case of a court order.

On rare occasions we may rely on your explicit consent as our legal basis for using your personal information. When we do this we will explain what it means, and the rights that are available, to you.

## **5. Who provides the personal information**

When you do not provide information directly to us, we receive it from other individuals and organisations involved in the delivery of health and care services in Scotland. These include NHS Lothian and other health boards; other primary care contractors such as dentists, pharmacists and opticians; other public bodies such as Local Authorities and the suppliers of goods and services.

## **6. Sharing personal information with others**

Depending on the situation, where necessary we will share appropriate, relevant and proportionate personal information in compliance with the law, with the following:

- Our patients and their chosen representatives or carers
- Staff
- Current, past and potential employers
- Healthcare social and welfare organisations
- Suppliers, service providers, legal representatives
- Auditors and audit bodies
- Educators and examining bodies
- Research organisations
- People making an enquiry or complaint
- Financial organisations
- Professional bodies
- Business associates
- Police forces
- Central and local government.
- Voluntary and charitable organisations.

## **7. Transferring personal information abroad**

It is sometimes necessary to transfer personal health information overseas for example if you require urgent medical treatment abroad. When this is needed information may be transferred to countries or territories around the world. Any transfers made will be in full compliance with NHS Scotland Information Security Policies.

## **8. Retention periods of the information we hold**

Within the practice we keep personal information as set out in the Scottish Government Records Management: NHS Code of Practice (Scotland) Version 2.1 January 2012. The NHS Code of Practice sets out minimum retention periods for information, including personal information, held in different types of records including personal health records and administrative records. As directed by the Scottish Government in the Records Management Code of Practice, we maintain a retention schedule in accordance with NHS Lothian's Records Management Policy detailing the minimum retention period for the information and procedures for the safe disposal of personal information.

## **9. How we protect personal information**

We take care to ensure your personal information is only accessible to authorised people. Our staff have a legal and contractual duty to keep personal health information secure and confidential. The following security measures are in place to protect personal information:

- All staff undertake mandatory training in Data Protection and IT Security
- Compliance with NHS Scotland Information Security Policy
- Organisational policy and procedures on the safe handling of personal information
- Access controls and audits of electronic systems

## **10. Your rights**

This section contains a description of your data protection rights within the practice

### **The right to be informed**

The practice must explain how we use your personal information. We use a number of ways to communicate how personal information is used, including:

- This Data Protection Notice
- Information leaflets
- Discussions with staff providing your care

### **The right of access**

You have the right to access your own personal information.

This right includes making you aware of what information we hold along with the opportunity to satisfy you that we are using your information fairly and legally.

You have the right to obtain:

- Confirmation that your personal information is being held or used by us
- Access to your personal information
- Additional information about how we use your personal information

Although we must provide this information free of charge, if your request is considered unfounded or excessive, or if you request the same information more than once, we may charge a reasonable fee.

If you would like to access your personal information, you can do this by submitting a

request in writing to the Practice Manager at the address below. We would encourage you to use our request form for this purpose, as this asks you relevant questions in respect of the data you require.

Once we have received your request and you have provided us with enough information for us to locate your personal information, we will respond to your request without delay, within one month (30 days). However If your request is complex we may take longer, by up to two months, to respond. If this is the case we will tell you and explain the reason for the delay.

### **The right to rectification**

If the personal information we hold about you is inaccurate or incomplete you have the right to have this corrected.

If it is agreed that your personal information is inaccurate or incomplete we will aim to amend your records accordingly, normally within one month, or within two months where the request is complex. However, we will contact you as quickly as possible to explain this further if the need to extend our timescales applies to your request.

If for any reason we have shared your information with anyone else, perhaps during a referral to another service for example, we will notify them of the changes required so that we can ensure their records are accurate.

If on consideration of your request the practice does not consider the personal information to be inaccurate then we may add a comment to your record stating your concerns about the information. If this is case we will contact you within one month to explain our reasons for this.

If you are unhappy about how the practice has responded to your request for rectification we will provide you with information on how you can complain to the Information Commissioner's Office.

### **The right to object**

When the practice is processing your personal information for the purpose of the performance of a task carried out in the public interest or in the exercise of official authority you have the right to object to the processing and also seek that further processing of your personal information is restricted. Provided the practice can demonstrate compelling legitimate grounds for processing your personal information, for instance; patient safety or for evidence to support legal claims, your right will not be upheld.

### **The right to complain**

The practice endeavours to ensure that we handle personal information in accordance with data protection legislation. If you are unhappy with the way in which we use your personal information please contact the Practice Manager at the address below.

You also have the right to complain about how we use your personal information to the Information Commissioner's Office (ICO). Details about this are on their website at [www.ico.org.uk](http://www.ico.org.uk).

## **11. Contact Details**

If you would like to speak to us regarding the way we handle your personal information please contact:

The Practice Manager  
The Harbours Medical Practice  
Health Centre  
Avenue Road  
COCKENZIE  
East Lothian  
EH32 0JU  
Tel: 01875 811501

*Please note email from your private address may not be secure.*