

Privacy Notice

Patient Privacy Notice

Document Control

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V1.4	21/6/21	MB	Changed review to annual
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How do we manage and protect information about you?

Open Medical collects information about you to help your health provider give you the best possible care.

Our aim is to maintain full and accurate records of the care provided for you and keep this information confidential and secure.

How do we access your demographic information?

If you are receiving care from a health or care organisation then that organisation may share your NHS number with other organisations providing your care. This is so that the health and care organisations are using the same number to identify you whilst providing your care.

By using the same number, the health and care organisations can work together more closely to improve your care and support.

Your NHS number is accessed through an NHS Digital service called the Personal Demographic Service (PDS). A health or care organisation sends basic information such as your name, address and date of birth to the PDS in order to find your NHS Number. Once retrieved from the PDS the NHS Number is stored in the organisation's case management system. These data are retained in line with the organisation's record retention policies and in accordance with the Data Protection Act 1998, Government record retention regulations and best practice. Further information is available on the NHS Digital website:

[Codes of practice for handling information in health and care](#)

The organisation will share information only to provide health and care professionals directly involved in your care access to the most up-to-date information about you. Access to information is strictly controlled, based on the role of the professional. For example, social workers will only have access to information that is relevant to the execution of their care duties.

Case management systems are provided by system suppliers, who are bound by the same rules. In such cases, systems may access the PDS directly or use third party software to access the PDS, such as the PDS FHIR API.

The use of joined up information across health and social care brings many benefits. One specific example where this will be the case is the discharge of patients into social care. Delays in discharge (commonly known as bed blocking) can occur because details of social care involvement are not readily available to the staff on the hospital ward. The hospital does not know who to contact to discuss the ongoing care of a patient. The linking of social care and health information via the NHS Number will help hospital staff quickly identify if social care support is already in place and who the most appropriate contact is. Ongoing care can be planned earlier in the process because hospital staff will know who to talk to.

You have the right to object to the processing of your NHS Number in this way. This will not stop you from receiving care but will result in the benefits outlined above not being realised.

To help you decide, the health or care organisation will discuss with you how this may affect their ability to provide you with care, and any other options that you have.

If you wish to opt-out from the use of your NHS Number in this way, please contact us on 0203 322 9823 or email to ig@openmedical.co.uk

What information do we collect?

We collect information about you such as your name, address, NHS number, GP and contact details (including your email address and mobile number where you have provided these) alongside any health related information required for the delivery of healthcare services, for example:

- Details and records of treatment and care, including notes and reports about your physical or mental health
- Results of x-rays, blood tests and diagnosis
- Information on medication or any allergies
- Any other relevant contact details, for example a family member
- Clinical photographs (dedicated consent will be obtained by the clinician)

We may also collect personal sensitive information such as your ethnicity, religion, sexuality, so that we can build up a complete picture of you in order to enable the clinical staff to provide you with the best care possible and to effectively deliver your treatment and care needs.

We may also receive written or electronic information about you from other health and social care providers in order to support the care you receive. This will enable your doctors to provide the appropriate care and treatment that you need. We might also collect information to monitor the provider's compliance with their legal obligations relating to equality and diversity.

This information will be recorded electronically on a computer or other electronic device.

Who processes your information?

We process your information on behalf of your healthcare provider to facilitate the provision of health care services. We may also engage in the processing of your data in order to facilitate the delivery of our services.

On what basis are we entitled to process your information?

We process your information on behalf of your healthcare provider which is lawfully permitted to this data as there is a legal obligation for them to do so under various legislation, including the NHS Act (2006) and the Health and Social Care Act (2012), among others. It also processes your information as an authority acting in the public interest. Information about your health or care is known as "Special Category Data" under the data protection legislation and healthcare providers are lawfully entitled to process this data as an authority for the purposes of providing you with care and when undertaking health research. You do have the right to say "no" to the use of your information but this could have an impact on your healthcare provider's ability to provide you with care.

How do we use the information we collect to help you?

We may use the information we collect to help your healthcare provide to deliver services to you in the following ways:

- Doctors, nurses or healthcare professionals involved in your care need accurate and up-to-date information about you to assess your health and deliver the care you need
- To ensure information is available if you need to be referred to another health professional or if you move to a different area
- To assess the type and quality of care you have received and require in the future
- To support clinic and treatment appointments by sending you electronic and or paper based appointment reminders
- To ensure your concerns can be properly investigated if you are unhappy with the care you have received

Do we share information about you with anyone?

There are times when it is appropriate for us to share information about you and your healthcare with others. We may lawfully share your information with the following:

- GPs
- NHS Trusts and other healthcare providers
- Department of Health
- NHS England
- Local Child Health Information Service – a regional programme which supports the transfer of child clinical records
- NHS Digital – an organisation that utilises technology and information systems to support the delivery of patient care across the NHS
- Health Research Authority – to support research in health and social care. The HRA have published their own privacy statement for patients
<https://www.hra.nhs.uk/information-about-patients/>

We may also need to share your information with other non-healthcare organisations, where it is required in compliance with legal duties. For example, where you are receiving care from a local authority, we would need to share your information with a social worker to support the provision of your care. Other occasions where we may need to share your information include:

- Reporting some infectious diseases
- To help prevent, detect or prosecute serious crime
- If a court orders us to do so
- When you have expressly agreed – e.g. for medical insurance
- Registering births or deaths

- If there is a concern that you may be putting either yourself, another person (including a health or social care professional) or a child at risk of harm

Where information is shared with non-healthcare organisations we may request that they enter into an information sharing agreement to ensure that the information shared with them is handled appropriately and complies with the relevant legislation. The information from your patient record will only be used for purposes that benefit your care – we would never share your personal information for marketing or insurance purposes.

In all cases where we must pass on health care related information, we will only share the minimum amount of information required. Anyone who receives information also has a legal duty to keep it confidential.

If you need further information on how your data is shared please email our Data Protection Officer at the contact details below.

How else could your information be used?

Your information may also be used to help us:

- Review the care provided
- Audit accounts or services
- Arrange payments for the person who treats you
- Prepare statistics or other performance data on the quality of care being delivered
- Investigate incidents, complaints or legal claims
- Facilitate research and development
- Make sure our services can meet patient needs in the future
- Teach and train healthcare professionals

Your data will not be transferred outside the European Economic Area to “Third Countries”.

What if I object to your processing of my information?

The GDPR confirms that you have the right to object to the processing of your information. Any objection made by you to processing of your data will be considered by the Provider’s Data Protection Officer, who will make a decision whether or not we should cease processing your data. You have the right to make a complaint to the ICO if you disagree with the decision, or you may be able to bring legal proceedings to appeal the decision should you wish to do so.

GDPR also contains a general right to request that an organisation erase personal data, however, this might not apply to data which is being processed for the purposes of delivering healthcare.

The recently introduced national data opt-out programme allows a patient to choose if they do not want their confidential patient information to be used for purposes beyond their individual care and treatment i.e for research and planning.

You can set your own opt-out choice which will be recorded by the Provider and passed on to Open Medical who will take actions to respect that choice.

Can you see the information we collect about you?

The data protection legislation gives you the right to know what personal data we hold about you, what we use it for and if the information is to be shared, who it will be shared with.

You have the right to apply for access to the information we hold about you free of charge and we have a duty to provide this information in a format that is accessible to you and in a way that you can understand. Your request must be made in writing and we may ask you to provide proof of identity before we can disclose personal information.

In certain circumstances your right to see some details in your health records may be restricted, for example if the information refers to someone else who hasn't given their permission, or could cause physical or mental harm to you or someone else (including any health or social care professional) were it to be disclosed; or if the information is being used to detect or prevent crime.

After having viewed your records, if you believe any information is inaccurate or incorrect, please inform us of this in writing and we will take steps to rectify any inaccuracies as quickly as possible and within one month maximum.

How do we keep your information safe?

We are committed to keeping your information secure and have operational policies and procedures in place to protect your information. We protect your information in the following ways:

Training - Staff are trained to understand their duty of confidentiality and their responsibilities regarding the security of patient information. Staff are also obliged to undertake regular training in data security and confidentiality on an annual basis to demonstrate that they understand and are complying with our policies on confidentiality.

Access controls - Staff only have access to patient identifiable information where it is relevant and necessary for them to do so.

Audit trails - We keep a record of anyone who has created, accessed, or updated a health record.

Investigation - If you believe your information is being viewed inappropriately we will investigate and report our findings to you. If we find that someone has deliberately accessed records about you without permission or good reason, we will tell you and take action. This can include disciplinary action, or bringing criminal charges.

Legislation - There are laws in place to protect your information, including the General Data Protection Regulation (2016), the Data Protection Act (2018) and the Human Rights Act (1998).

Data Protection Officer ("DPO") – Our Data Protection Officer's role is to ensure that we have in place appropriate mechanisms and procedures to protect your information and to ensure that personal data is processed lawfully.

Our DPO may be contacted at:

Postal address: Open Medical Ltd, CP House, 97-107 Uxbridge Road, London W5 5TL

Telephone: 0203 475 2955

Email: ig@openmedical.co.uk or dpo@openmedical.co.uk

For further advice or to report a concern directly to the UK's information regulatory authority you can contact ICO at:

Postal address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Telephone: 0303 123 1113

Website: www.ico.org.uk