

## **How your information is shared so that this practice can meet legal requirements**

The law requires Cadwgan Surgery to share information from your medical records in certain circumstances. Information is shared so that the NHS or Public Health Wales can, for example:

- plan and manage services;
- check that the care being provided is safe;
- prevent infectious diseases from spreading.

We will share information with NHS Digital, the Health Inspectorate Wales and local health protection team (or Public Health Wales) when the law requires us to do so. Please see below for more information.

We must also share your information if a court of law orders us to do so.

## **NHS Digital**

- NHS Digital is a national body which has legal responsibilities to collect information about health and social care services.
- It collects information from across the NHS in Wales and provides reports on how the NHS is performing. These reports help to plan and improve services to patients.
- This practice must comply with the law and will send data to NHS Digital, for example, when it is told to do so by the Secretary of State for Health or NHS Wales under the Health and Social Care Act 2012.
- More information about NHS Digital and how it uses information can be found at: <https://digital.nhs.uk/home>
- NHS Digital sometimes shares names and addresses of patients suspected of committing immigration offences with the Home Office. More information on this can be found here: <https://www.gov.uk/government/publications/information-requests-from-the-home-office-to-nhs-digital>

## Health Inspectorate Wales

- HIW regulates health and social care services to ensure that safe care is provided.
- The law says that we must report certain serious events to the HIW, for example, when patient safety has been put at risk.
- For more information about the HIW see <http://hiw.org.uk/>
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## Public Health

- The law requires us to share data for public health reasons, for example to prevent the spread of infectious diseases or other diseases which threaten the health of the population.
- We will report the relevant information to local health protection team or Public Health Wales.
- For more information about Public Health Wales and disease reporting see: <https://www.gov.uk/guidance/notifiable-diseases-and-causative-organisms-how-to-report>

We are required by law to provide you with the following information about how we handle your information and our legal obligations to share data.

<b>Data Controller</b> contact details	Cadwgan Surgery, 11 Bodelwyddan Avenue, Old Colwyn, Conwy, LL29 9NP
<b>Data Protection Officer</b> contact details	Dr Dylan Clwyd Parry
<b>Purpose</b> of the processing	Compliance with legal obligations or court order.
<b>Lawful basis</b> for processing	<p>The following sections of the GDPR mean that we can share information when the law tells us to.</p> <p>Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject...’</p> <p>Article 9(2)(h) – ‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...’</p>
<b>Recipient or categories of recipients</b> of the processed data	<ul style="list-style-type: none"> <li>• The data will be shared with NHS Digital.</li> <li>• The data will be shared with the Health Inspectorate Wales</li> <li>• The data will be shared with our local health protection team or Public Health Wales.</li> <li>• The data will be shared with the court if ordered.</li> </ul>
<b>Rights to object and the national data opt-out</b>	<p>There are very limited rights to object when the law requires information to be shared but government policy allows some rights of objection as set out below.</p> <p>NHS Digital</p> <ul style="list-style-type: none"> <li>• You have the right to object to information being shared with NHS Digital for reasons other than your own direct care.</li> <li>• This is called a ‘Type 1’ objection – you can ask your practice to apply this code to your record.</li> <li>• Please note: The ‘Type 1’ objection, however, will no longer be available after 2020.</li> </ul>

	<ul style="list-style-type: none"> <li>• This means you will not be able to object to your data being shared with NHS Digital when it is legally required under the Health and Social Care Act 2012. [all above bullets are England only]</li> </ul> <p>UPDATE WHEN NATIONAL OPT OUT IS LAUNCHED with link to NHS Digital website. Suggested text: The national data op-out model provides you with an easy way of opting-out of identifiable data being used for health service planning and research purposes, including when it is shared by NHS Digital for these reasons. To opt-out or to find out more about your opt-out choices please go to NHS Digital’s website:</p> <p>NHS Digital sharing with the Home Office</p> <ul style="list-style-type: none"> <li>• There is no right of objection to NHS Digital sharing names and addresses of patients who are suspected of having committed an immigration offence.</li> </ul> <p>Public health</p> <ul style="list-style-type: none"> <li>• Legally information must be shared under public health legislation. This means that you are unable to object.</li> </ul> <p>Health Inspectorate Wales</p> <ul style="list-style-type: none"> <li>• Legally information must be shared when the Health Inspectorate Wales needs it for their regulatory functions. This means that you are unable to object.</li> </ul> <p>Court order</p> <ul style="list-style-type: none"> <li>• Your information must be shared if it ordered by a court. This means that you are unable to object.</li> </ul>
<b>Right to access and correct</b>	<ul style="list-style-type: none"> <li>• You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy on the practice website – <a href="http://www.cadwgansurgery.org/website/W91007/files/SAR%20patient%20in%20formation%20.pdf">http://www.cadwgansurgery.org/website/W91007/files/SAR%20patient%20in%20formation%20.pdf</a></li> <li>• We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.</li> </ul>
<b>Retention period</b>	<p>GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: <a href="https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016">https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</a> or speak to the practice.</p>
<b>Right to complain</b>	<p>You have the right to complain to the Information Commissioner’s Office. If you wish to complain follow this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a> or call the helpline <b>0303 123 1113</b></p>