

## **PRIVACY NOTICE**

### **1. About the personal information we use**

Barns Medical practice use personal information on different groups of individuals including:

- Patients
- Staff
- Contractors
- Suppliers
- Complainants, enquirers
- Survey respondents
- Professional experts and consultants
- Individuals captured by CCTV

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

We also use more sensitive types of personal information, including information about racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; genetic data, health; sex life or sexual orientation.

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; visual images; details held in the patient record; responses to surveys.

### **2. Our purposes for using personal information**

Under the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 Barns Medical Practice are contracted to provide continuing, comprehensive, co-ordinated and person-centred healthcare to patients in their communities. We undertake these tasks so that we can help to promote the improvement of the physical and mental health of our patients.

We use personal information to enable us to provide healthcare services for patients, supporting and managing our employees; maintaining our accounts and records and the use of CCTV systems for crime prevention.

### **3. Our legal basis for using personal information**

Barns Medical Practice as data controller, is required to have a legal basis when using personal information. Barns Medical Practice considers that 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 Barns Medical 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. You should be aware that we will continue to ask for your consent for other things like taking part in a drug trial.

#### **4. 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 Boards including hospitals and primary care contractors such as GPs, dentists, pharmacists and opticians; other public bodies e.g. Local Authorities and suppliers of goods and services.

#### **5. 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
- Financial organisations
- Professional bodies
- Police forces, Fire Services, Armed Forces
- Central Government
- Insurance Companies

## **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 Policy.

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

Within Barns Medical 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.

## **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 Confidentiality, 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 Barns Medical Practice

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

Barns Medical 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 contacting:

Jan McCulloch, Practice Manager via [email@medicayr.com](mailto:email@medicayr.com)

Once we have details of 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. Unless there is a risk to patient safety, we can restrict access to your records to ensure that the inaccurate or incomplete information is not used until amended.

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 Barns Medical Practice does not consider the personal information to be inaccurate then we will 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 we have responded to your request for rectification we will provide you with information on how you can complain to the Information Commissioner's Office, or how to take legal action.

### **The right to object**

When Barns Medical 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 we 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**

Barns Medical Practice have designated Data Protection Officers to check that we handle personal information in a way that meets data protection law. If you are unhappy with the way in which we use your personal information please tell Management Partner using the contact details below.

Jan McCulloch, Practice Manager via [email@medicayr.com](mailto:email@medicayr.com)

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).

## **Other rights**

There are other rights under current Data Protection Law however these rights only apply in certain circumstances -

### **The right to erasure**

The right to erasure is also known as "the right to be forgotten" and in general refers to an individual's right to request the deletion or removal of personal information where there is no compelling reason for Barns Medical Practice to continue using it.

As with other rights, there are particular conditions around this right and it does not provide individuals with an absolute right to be forgotten.

Individuals have the right to have their personal information deleted or removed in the following circumstances:

- When it is no longer necessary for the purpose for which it was collected.
- When Barns Medical Practice no longer have a legal basis for using your personal information, for example if you gave us consent to use your personal information in a specific way, and you withdraw your consent, we would need to stop using your information and erase it unless we had an overriding reason to continue to use it.
- When you object Barns Medical Practice using your personal information and there is no overriding legitimate interest for us to continue using it.
- If we have used your personal information unlawfully.
- If there is a legal obligation to erase your personal information for example by court order.

Barns Medical Practice can refuse to deal with your request for erasure when we use your personal information for the following reasons:

- to comply with a legal obligation for the performance of a public interest task or exercise of official authority.

- for public health purposes in the public interest.
- archiving purposes in the public interest, scientific research historical research or statistical purpose.
- the exercise or defence of legal claims.

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 under the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 as noted previously. This means that in most circumstances we can refuse requests for erasure. However we will advise you of this as soon as possible following receipt of your request.

### **The right to restrict processing**

You have the right to control how we use your personal information in some circumstances. This is known as the right to restriction. When processing is restricted, Barns Medical Practice are permitted to store your personal information, but not further use it until an agreement is reached with you about further processing. We can retain enough information about you to ensure that your request for restriction is respected in the future.

Examples of ways you can restrict our processing would be:

- If you challenge the accuracy of your personal information, stop using it until we check its accuracy.
- If you object to processing which is necessary for the performance of our tasks in the public interest or for the purpose of legitimate interests, we will restrict our processing while we consider whether our legitimate grounds override your individual interests, rights and freedoms.
- If our use of your personal information is found to be unlawful and you ask for restriction instead of full erasure we will restrict our processing.
- If we no longer need your personal information but you need it to establish, exercise or defend a legal claim, we will restrict our processing.

If we have shared your personal information with any individuals or organisations, if we restrict our processing, we will tell those individuals or organisations about our restriction if it is possible and not an unreasonable amount of effort.

Whenever we decide to lift a restriction on processing we will tell you.

### **The right to data portability**

The right to data portability allows individuals to obtain and re-use their personal information for their own purposes across different services. It allows them to move, copy or transfer personal information easily from one IT environment to another in a safe and secure way. For example: it enables consumers to take advantage of applications and services which can use their information to find them a better deal.

The right to data portability only applies when the individual has submitted their personal information directly, through electronic means to Barns Medical Practice .This means that in most circumstances the right to data portability does not apply within Barns Medical Practice

**Rights related to automated decision making and profiling**

You have the right to object to any instances where a decision is made about you solely by automated means without any human involvement, including profiling.

Barns Medical Practice does not undertake any decision-making about you using wholly automated means.

