

# THE PINES SURGERY

## Privacy Notice

### Public Health

Public health encompasses everything from national smoking and alcohol policies, the management of epidemics such as flu, the control of large scale infections such as TB and Hepatitis B to local outbreaks of food poisoning or Measles. Certain illnesses are also notifiable; the doctors treating the patient are required by law to inform the Public Health Authorities, for instance Scarlet Fever.

This will necessarily mean the subjects personal and health information being shared with the Public Health organisations.

Some of the relevant legislation includes: the Health Protection (Notification) Regulations 2010 (SI 2010/659), the Health Protection (Local Authority Powers) Regulations 2010 (SI 2010/657), the Health Protection (Part 2A Orders) Regulations 2010 (SI 2010/658), Public Health (Control of Disease) Act 1984, Public Health (Infectious Diseases) Regulations 1988 and The Health Service (Control of Patient Information) Regulations 2002

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| 1) <b>Data Controller</b> contact details         | The Pines Surgery, Harborough Road North, Kingsthorpe, Northampton, NN2 8LL  |
| 2) <b>Data Protection Officer</b> contact details | Dr Nareshkumar Lad at The Pines Surgery, Harborough Road North, Kingsthorpe, Northampton, NN2 8LL  |
| 3) <b>Purpose</b> of the processing               | There are occasions when medical data needs to be shared with Public Health England, the Local Authority Director of Public Health, or the Health Protection Agency, either under a legal obligation or for reasons of public interest or their equivalents in the devolved nations. |
| 4) <b>Lawful basis</b> for processing             | The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:   |

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|   | <p><i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</i></p> <p><i>Article 9(2)(h) ‘necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...’</i></p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p> |
| 5) Recipient or categories of recipients of the shared data | The data will be shared with Public Health England<br><a href="https://www.gov.uk/government/organisations/public-health-england">https://www.gov.uk/government/organisations/public-health-england</a><br>and equivalents in the devolved nations.  |
| 6) Rights to object   | You have the right to object to some or all of the information being shared with the recipients. Contact the Data Controller or the practice.  |
| 7) Right to access and correct                              | You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.  |
| 8) Retention period   | The data will be retained for active use during the period of the public interest and according to legal requirements and Public Health England’s criteria on storing identifiable data<br><a href="https://www.gov.uk/government/organisations/public-health-england/about/personal-information-charter">https://www.gov.uk/government/organisations/public-health-england/about/personal-information-charter</a> .   |
| 9) Right to Complain.                                       | You have the right to complain to the Information Commissioner’s Office, you can use this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a><br><br>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)   |

\* “Common Law Duty of Confidentiality”, common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider’s consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of

the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.