



The Corner Surgery Southport

117 Fylde Road
Southport, PR9 9XP
Tel: 01704 506055
Email: gp.n84613@nhs.net

Practice Privacy Policy

Summary

- *Prepared by* Dr David Smith (Data Protection Officer)
- *Approved at* The Partners' Meeting
- *Held on* 21st May 2018
- *Persons present voting* Dr Hilal Mulla (Senior Partner)
Dr Stephanie Woodcock (Partner)
- *Persons present not voting* Dr David Smith (Data Protection Officer)
Mrs Carol Mackenzie (Practice Manager)
- *Effective from* 25th May 2018
- *Last reviewed* 29th June 2026 (by Dr David Smith)
- *Next review date* 30th June 2027

Introduction

The Corner Surgery needs to have a Practice Privacy Policy to demonstrate compliance with the *General Data Protection Regulation (GDPR)* and the *Data Protection Act 2018 (DPA)*. This document is that policy. It sets out the general arrangements by which The Corner Surgery will be compliant under the various Articles of the GDPR and the DPA.

The Corner Surgery is the term used in this document to describe a *National Health Service (NHS)* general practice operating under contract with *NHS England (NHSE)* and *NHS Cheshire and Merseyside Integrated Care Board (C&MICB)*. The contract is a *Personal Medical Services (PMS)* contract.

The Data Controllers acting in partnership on the date of the adoption of this policy were Dr Hilal Mulla, Dr Stephanie Woodcock and Dr David Smith. Dr David Smith recused himself of the decision as he is the *Data Protection Officer (DPO)*.

As an NHS general practice providing services under contract to NHSE and C&MICB, we process personal and special category data relating to our staff and those we treat, registered patients and others, both internally and with other external organisations. We also hold data on other types of customers, suppliers, business contacts and other people we have relationships with or may need to contact.

We are also required by certain laws to disclose certain types of data to other organisations on a regular basis, such as NHS Digital, *Public Health England (PHE)*, NHSE and C&MICB. We are also required by certain laws to disclose certain types of data to other

organisations on an event basis, such as the *Care Quality Commission (CQC)* or the *General Medical Council (GMC)*.

These processing activities are described in detail in our practice Privacy Notices, which are published on our website: <http://www.thecornersurgery-southport.nhs.uk>

Why this Policy Exists

The Corner Surgery understands that with the advent of modern technologies, and in particular 'social media type communications', the emphasis of data processing needs to be refocussed to a default of protection and move forward only when disclosure is of benefit to the Data Subject.

The Corner Surgery is open about how it stores and processes personal data, and protects itself from the risks of a data breach.

General

This policy applies no matter how the data is stored; electronically as text, documents, images or in tables; on paper or on other materials. To comply with the law, personal data must only be collected and used fairly, stored safely and not disclosed unlawfully.

Personal data must:

- Be processed fairly and lawfully
- Be obtained only for specific, lawful processes
- Be adequate, relevant and not excessive
- Be accurate and kept up to date
- Not be held for any longer than necessary
- Be processed in accordance with the rights of Data Subjects
- Be protected in appropriate ways.

Policy Scope

This policy applies to all our staff, clinical and non-clinical, and to everyone who works in The Corner Surgery. It applies to all the personal data that we process.

Responsibilities

Everyone who works for or with The Corner Surgery has shared responsibility for ensuring data is collected, stored and handled appropriately. Each person that handles personal data in this organisation must ensure that it is handled and processed in line with this policy and data protection principles. Some people have key responsibilities:

- The *Contract Holders* are ultimately responsible for ensuring that The Corner Surgery meets its legal obligations.
- The *Data Protection Officer (DPO)*, Dr David Smith, is responsible for:

- Keeping the contract holders, partners, doctors and all staff informed about data protection responsibilities, risks and issues; where necessary pre-emptively
 - Providing advice to the Data Controllers when requested
 - Advising on the need for and generation of *Data Protection Impact Assessments (DPIAs)*
 - Reviewing all data processing procedures, practices and policies, as well as this policy on an annual basis
 - Arranging appropriate and relevant in-house training for the people covered by this policy
 - Keeping himself up to date to an appropriate standard in all matters relevant to his role
 - Remaining independent and impartial, and ensuring that any conflicts are reported to the Partners
 - Handling data protection questions from staff and anyone else covered by this policy
 - Acting as a point of contact for Data Subjects
 - Dealing with requests from Data Subjects relating to their rights under the common law duty of confidentiality and GDPR
 - Ensuring there is a compliant *Subject Access Request (SAR)* and *Targeted Subject Access Request (TSAR)* process
 - Checking and approving any contracts or agreements with third parties that may handle the practice's sensitive data
 - Acting as the interface with the *Information Commissioner's Office (ICO)*
 - Ensuring the practice completes the Information Governance Toolkit each year.
- The *Practice Manager*, Ms. Dawn Nicholson, is responsible for:
 - The implementation of this policy
 - Ensuring all systems, services and equipment used for storing data meet acceptable security standards
 - Liaising with the C&MICB provided information technology infrastructure support services
 - Ensuring that cyber security recommendations are implemented and deployed
 - Consulting with the DPO on any technical matters relating to the GDPR.
 - The *Data Controllers* are responsible for:
 - Ensuring that the DPO has an environment in which the DPO can operate independently and without limitation
 - Involving the DPO in all relevant issues
 - Providing support and resources for the DPO to carry out the tasks noted in this policy, including training and knowledge updating
 - Not issuing the DPO with any instructions or placing any constraints relating to their DPO role
 - Allowing Data Subjects to access the DPO
 - Not allowing the DPO to be conflicted by other tasks, jobs or responsibilities that they may have
 - Comprehensively recording and thoroughly documenting any reasons for acting against the advice of the DPO.

General Staff Guidelines

The practice will provide training to all employees to help them understand their responsibilities when handling data.

Employees should keep all data secure, by taking sensible precautions and following the practice's procedures and policies. NHS smartcards, passwords and logins must be used whenever possible, and they should never be shared or borrowed. Whenever a screen is left unattended, programs that handle patient data should be closed (EMISWeb). Personal data should not be disclosed to unauthorised people, either within the practice or externally.

Employees should request help from the Practice Manager, Caldicott Guardian (Dr Hilal Mulla) or DPO if they are unsure about any aspect of data protection.

All employees will have a privacy and data protection clause added to their contracts.

Designation of the Data Protection Officer

The Corner Surgery recognised that we must have a DPO in place for 25th May 2018, as mandated under Article 37 of the GDPR.

Dr David Smith is a GP Partner and the Information Governance Lead.

No other body had proposed, offered or put forward a DPO that could and would be used exclusively by the Corner Surgery, or shared across a number of practices in Southport and Formby, in time for 25th May 2018.

The DPO should be chosen carefully, with due regard to the data protection issues that arise within the organisation. The ICO states that 'it would be an advantage for your DPO to also have a good knowledge of your industry or sector, as well as your data protection needs and processing activities'.

Accordingly, The Corner Surgery designated Dr David Smith to be the DPO for this organisation from 25th May 2018. This decision can be reviewed at any time in the future should circumstances change or arise, or further official guidance be produced that necessitates it.

Since then, Southport and Formby Primary Care Network (PCN) has procured a DPO support service for its member practices, which The Corner Surgery is able to access if required.

Ongoing Maintenance of this Policy

1. Dr David Smith will be responsible for ensuring that this policy is maintained accordingly
2. This policy will be available if requested under the Freedom of Information Act
3. This policy will be downloadable from the practice website:
<http://www.thecornersurgery-southport.nhs.uk>

Dr David Smith