



Dr Hodges & Partners **General Data Protection Policy**

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Contents

- General Data Protection Policy 1**
- 1. Introduction 3**
- 2. Data Controller 4**
- 3. Data Processor 4**
- 4. Disclosure..... 5**
- 5. Data collection 5**
- 6. Data Storage..... 6**
- 7. Data access and accuracy 6**
- 8. GDPR Compliance 6**
- Glossary of Terms..... 8**

1. Introduction

Hucclecote Surgery needs to collect and use certain types of information about the individuals who come into contact with us in order to carry out our work. This personal information must be collected and dealt with appropriately whether is collected on paper, stored digitally, or recorded on other material and there are safeguards to ensure this under the General Data Protection Regulations 2018.

Hucclecote Surgery regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

Hucclecote Surgery intends to ensure that personal information is treated lawfully and correctly.

To this end, Hucclecote Surgery will adhere to the Principles of Data Protection, as detailed in the General Data Protection Regulation 2018.

Specifically, the Principles require that personal information shall be:

- processed lawfully, fairly and in a transparent manner in relation to individuals;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay;
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Hucclecote Surgery will, through appropriate management and strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used

- Collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements
- Ensure the quality of information used
- Ensure that the rights of people about whom information is held, can be fully exercised under the Regulation. These include:
 - The right to be informed that processing is being undertaken,
 - The right of access to one's personal information
 - The right to prevent processing in certain circumstances and
 - The right to correct, rectify, block or erase information which is regarded as wrong information
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- **Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information**
- **Set out clear procedures for responding to requests for information**

2. Data Controller

Hucclecote Surgery is the Data Controller which means that it determines what purposes personal information held, will be used for. It is also responsible for notifying the Information Commissioner of any Information Security breaches. Hucclecote Surgery is a controller for the personal data we process; we document all the applicable information under Article 30(1) of the GDPR.

3. Data Processor

Hucclecote Surgery is the Data Processor, which means that it processes the data on behalf of the data controller. Hucclecote Surgery is a processor for the personal data we process, we document all the applicable information under Article 30(2) of the GDPR.

If we process special category or criminal conviction and offence data, we document:

- the condition for processing we rely on in the Data Protection Bill;
- the lawful basis for our processing; and
- whether we retain and erase the personal data in accordance with our policy document.

We document our processing activities under our Information Security Management System with meaningful links between the different pieces of information. We conduct regular reviews of the personal data we process and update our documentation accordingly.

4. Disclosure

Hucclecote Surgery may share data with other professional agencies such as the district nurse team, out of hours, ambulance trusts, secondary care, other GPs, mental health teams, PCAGG, PCSE, other professional healthcare agencies, local authority, funding bodies and other voluntary agencies.

The individual will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Hucclecote Surgery to disclose data (including sensitive data) without the data subject's consent.

These are:

- a) Carrying out a legal duty
- b) Protecting vital interests of an individual
- c) The individual has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion
- f) Providing a confidential service where the individual's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill individuals to provide consent signatures.

5. Data collection

Informed consent is when

- An individual clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- And then gives their consent.

Hucclecote Surgery will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Hucclecote Surgery will ensure that the individual:

- Clearly understands why the information is needed
- Understands what it will be used for and what the consequences are should the Individual decide not to give consent to processing
- As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- Has received sufficient information on why their data is needed and how it will be used

6. Data Storage

Information and records relating to individuals will be stored securely and will only be accessible to authorised staff.

Information will be stored for only as long as it is needed or required and will be disposed of appropriately.

It is Hucclecote Surgery responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

7. Data access and accuracy

All individuals have the right to access the information Hucclecote Surgery holds about them. Hucclecote Surgery will also take reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition, Hucclecote Surgery will ensure that:

- It has a Data Protection Officer with specific responsibility for ensuring compliance with the General Data Protection Regulation. This person is Vici Brown.
- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so
- Everyone processing personal information is appropriately supervised
- Anybody wanting to make enquiries about handling personal information knows what to do
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will regularly review and audit the ways it holds, manage and use personal information
- It regularly assesses and evaluates its methods and performance in relation to handling personal information
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

8. GDPR Compliance

In order to comply with the General Data Protection Regulation Hucclecote Surgery maintain a number of document logs and policies, these include but are not limited to:

- Hucclecote Surgery Asset Register (this document includes the inventory of assets and processing activities, retention schedule, risk analysis and mitigating actions)
- Data Protection Impact Assessment screening questionnaire, forms and register
- Data Breach Log
- Data Request Action Log
- Data Subject Access Request forms and associated documentation
- Privacy Notices
- General Data Protection Policy
- Information Security Policy

- Acceptable Use of IT Assets Policy
- Mobile Device & Teleworking Policy
- Information Classification Policy
- Disaster Recovery Plans
- Document Control Procedure

These documents, or links to them, can all be found on IQ CQC.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the General Data Protection Regulation 2018.

In case of any queries or questions in relation to this policy please contact the Data Protection Officer.

Glossary of Terms

Data Controller – The person who (either alone or with others) decides what personal information Hucclecote Surgery will hold and how it will be held or used.

Data Processor - The person who (either alone or with others) processes the data on behalf of the data controller.

The General Data Protection Regulation (GDPR) (EU) 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union

Data Protection Officer – The person(s) responsible for ensuring that Hucclecote Surgery follows its data protection policy and complies with the General Data Protection Regulation.

Individual – The person whose personal information is being held or processed by Hucclecote Surgery for example: a patient or an employee.

Explicit consent – is a freely given, specific and informed agreement by an Individual in the processing of personal information about her/him. Explicit consent is needed for processing sensitive data.

Notification – Notifying the Information Commissioner about the data processing activities of Hucclecote Surgery as certain activities may be exempt from notification.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the General Data Protection Regulation.

Processing – means collecting, amending, handling, storing or disclosing personal information.

Personal Information – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual employees within Hucclecote Surgery.

Sensitive data – refers to data about:

- Racial or ethnic origin
- Political affiliations
- Religion or similar beliefs
- Trade union membership
- Physical or mental health
- Sexuality
- Criminal record or proceedings