

Privacy Notice

Direct Care – Emergencies

There are occasions when intervention is necessary in order to save or protect a patient’s life or to prevent them from serious immediate harm, for instance during a collapse or diabetic coma or serious injury or accident. In many of these circumstances the patient may be unconscious or too ill to communicate. In these circumstances we have an overriding duty to try to protect and treat the patient. If necessary, we will share your information and possibly sensitive confidential information with other emergency healthcare services, the police or fire brigade, so that you can receive the best treatment.

The law acknowledges this and provides supporting legal justifications.

Individuals have the right to make pre-determined decisions about the type and extend of care they will receive should they fall ill in the future, these are known as “Advance Directives”. If lodged in your records these will normally be honoured despite the observations in the first paragraph.

1) Data Controller	Elizabeth Perryman at General Practice Alliance. northamptongpa.ig@nhs.net 01604970916
2) Data Protection Officer contact details	Elizabeth Perryman at General Practice Alliance. northamptongpa.ig@nhs.net 01604970916
3) Purpose of the processing	Direct Care is care delivered to the individual alone, most of which is provided in the surgery. After a patient agrees to a referral for direct care elsewhere, such as a referral to a specialist in a hospital, necessary and relevant information about the patient, their circumstances and their problem will need to be shared with the other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care.
4) Lawful basis for processing Further information on Article 6	The legal basis will be: <i>Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject.”</i> <i>Article 6(1)(d) clarifies that vital interests are "essential for the life" of the data subject. It follows that data processing on this ground “requires that a situation of concrete and</i>

	<p>imminent danger exists for the data subject or a third (natural) person”.</p> <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) “processing is necessary for the purposes of preventive 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 on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3.”</i></p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”</p>
<p>5) Recipient or categories of recipients of the processed data</p>	<p>The data will be shared with Health and care professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care.</p> <ul style="list-style-type: none"> • Northampton General Hospital • Kettering General Hospital • Northamptonshire Health Foundation Trust • East Midlands Ambulance Service • NHS 111 • Northamptonshire Out of Hours Service
<p>6) Rights to object</p>	<p>You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller or the practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance.</p>
<p>7) Right to access and correct</p>	<p>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.</p>
<p>8) Retention period</p>	<p>The data will be retained in line with the law and national guidance. https://digital.nhs.uk/about-nhs-digital/corporate-information-and-documents/records-and-document-management-policy or speak to us.</p>
<p>9) Right to Complain.</p>	<p>You have the right to complain to the Information Commissioner’s Office at this link: https://ico.org.uk/global/contact-us/</p>

* “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.