

Privacy Notice – Call recording

We take the security of your data seriously. This document sets out more information about a particular scenario relating to your data and should be read in conjunction with the adult & children's privacy notices.

Call recording

We record all our telephone calls. This protects patients and staff and other health workers. Patients are protected by our having a record of our conversations with you. Staff and other health workers are also protected from potential abuse. We also occasionally use recordings for staff training and quality control.

When you call us, we make this clear to you as well as via our web site and other sources of information.

Calls or calls transcripts of calls you have with the clinicians that contain clinical information may be added to your medical records, but this will be clarified with you at the time.

The recordings are stored in a secure data system in a UK data centre that is compatible with the requirements the NHS places on providers. These recordings will not usually be shared outside the practice.

If we hold recordings that have not been deleted you can ask for copies by contacting us.

If you object to your call being recorded, you can explain this to the person you are speaking with and they can end the recording via a button on their telephone handset.

Data Controller contact details

Dr Mark Edwards, Caldicott Guardian

University Health Service, University of Southampton, Highfield, Southampton SO17 1BJ

Email: data.protection@unidocs.co.uk

Data Protection Officer contact details

Caroline Sims

Southampton City CCG, Oakley Road, Southampton SO16 4GX

Email: caroline.sims@nhs.net

Purpose of the processing

Medical research

Lawful basis for processing

Identifiable data will be shared with researchers either with explicit consent or, where the law allows, without consent. The lawful justifications are:

Article 6(1)(e) may apply "necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller";

Article 9(2)(h) – 'processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...'

We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"*

Recipient or categories of recipients of the shared data

Necessary data will be shared with Health and care professionals and support staff in this organisation. Clinical data or records of consultations may be transcribed or appended to the records we hold on you and may thence be shared at hospitals, diagnostic and treatment centres who contribute to your personal care. Actual recordings will not normally be shared with anyone outside the organisation. Please see our Privacy Notice for Direct Care. The actual recordings are stored by Surgery Connect (our telephone provider)

Rights to object

You do not have to consent to your data being used for research. If you have consented to your data being used in research you can change your mind and withdraw your consent at any time. Contact the Data Controller or the practice. We will normally comply with any request.

Right to access and correct

You have the right to access any identifiable data that is being shared and have any inaccuracies corrected.

Retention period

We will keep recordings for 3 years. Clinical data transcribed from your telephone or other electronic consultations becomes part of your clinical record and is retained according to relevant rules and regulations (please see Privacy Notice on Direct Care).

Right to Complain

To complain, please contact either the practice's Caldicott Guardian or Data Protection Officer.

You also have the right to complain to the Information Commissioner's Office:

Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF

Tel: 0303 123 1113 or 01625 545 745

Web: <https://ico.org.uk/global/contact-us/>

University Health Service
Building 48
University of Southampton
Highfield
Southampton SO17 1BJ

Tel: 023 8055 7531

Email: surgery@unidocs.co.uk

University Health Service – Privacy Notice

VERSION HISTORY		
Document: PRIVACY NOTICE – RESEARCH		
Version	Date	Author
1	14/9/18	SPCL
2	17/9/18	ME
3	18/08/19	ME

[1] Section 251 and the NHS Act, Health Research Authority: <https://www.dropbox.com/s/sekq3trav2s58xw/Official%20Section%20251%20guidance%20Health%20Research%20Authority.pdf?dl=0>

* **“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.*