

Privacy Notice – Communicating with patients

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.

Communicating with patients

As we explain in our Privacy Notice for Direct Care this organisation keeps a range of data on you in order for us to provide you with the services you would expect from a GP practice; this data includes your contact details such as a mobile phone number or email address where you have provided them.

If you have provided your GP practice with a mobile phone number we will record your consent to allow us to use it for sending SMS (text) messages to you on that number in addition to calls.

If you have provided your GP practice with an email address we will record your consent to allow us to use it for sending email messages to you at that address.

The majority of SMS messages are automatically generated to remind patients of forthcoming surgery appointments that they have booked. SMS can also be used to convey test results or to ask you to get in contact with us. Other uses include inviting eligible patients to attend for flu clinics or annual reviews (e.g. asthma, COPD) or in emergencies when surgeries have to be cancelled at short notice. Email messages can be used for the same range of situations.

We recognise the very mobile nature of our patient population and that address information can become out of date annually. This poses a risk that we may communicate with you at the wrong address. We therefore use email and SMS messages to periodically contact patients to ensure their address information remains valid.

We do not use SMS messages or email messages for any form of direct marketing. All text or email messages are for direct medical care purposes only.

Patients have the right to provide us with their mobile number in order to enable an alternative number by which to contact them, without allowing SMS messages to be sent (i.e. "mobile phone calls only"). At any time you can ask us to remove your email address from your GP record and we will honour any such objection.

We will record and action any such objection accordingly, ensuring no SMS messages are sent to you.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

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

To enable staff at the Practice to communicate with patients via text (SMS) and email (for medical and non-medical purposes).

Lawful basis for processing

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”; and

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

We may use third-party systems to send such email or SMS message. This includes, but is not limited to, MJog, NHS mail, SendInBlue & EMIS. The data is shared for the purpose of transmitting our messages only and will not be used by any of these organisations for other purposes.

Rights to object

You do not have to consent to your data being used for communication. If you have consented to your data being used for communication 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 the data that is being shared and have any inaccuracies corrected.

Retention period

The data will be retained in line with the law and national guidance.

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	Date	Author
1	13/5/18	SPCL
2	6/6/18	ME
3	18/08/19	ME

*** “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.*