

Privacy Notice – Risk Stratification

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.

Risk stratification

This practice keeps data on you that we apply searches and algorithms to in order to identify from preventive interventions.

This means using only the data we hold or in certain circumstances linking that data to data held elsewhere by other organisations, and usually processed by organisations within or bound by contracts with the NHS.

If any processing of this data occurs outside the practice your identity will not be visible to the processors. Only this practice will be able to identify you and the results of any calculated factors, such as your risk of having a heart attack in the next 10 years or your risk of being admitted to hospital with a complication of chest disease

You have the right to object to our processing your data in these circumstances and before any decision based upon that processing is made about you. Processing of this type is only lawfully allowed where it results in individuals being identified with their associated calculated risk. It is not lawful for this processing to be used for other ill-defined purposes, such as "health analytics".

Despite this we have an overriding responsibility to do what is in your best interests. If we identify you as being at significant risk of having, for example a heart attack or stroke, we are justified in performing that processing.

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

Tel: 023 8055 7531

Email: data.protection@unidocs.co.uk

Data Protection Officer contact details

Dr Ali Robins, Data Protection Officer

Southampton Primary Care Ltd, Sovereign Place, Upper Northam Road Hedge End SO30 4BZ

Tel: 023 8017 0610

Email: spcl.dpo@nhs.net

Purpose of the processing

The practice performs computerised searches of some or all of our records to identify individuals who may be at increased risk of certain conditions or diagnoses i.e. Diabetes, heart disease, risk of falling). Your records may be amongst those searched. This is often called “risk stratification” or “case finding”. These searches are sometimes carried out by Data Processors who link our records to other records that they access, such as hospital attendance records. The results of these searches and assessment may then be shared with 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.

Lawful basis for processing

The legal basis for this processing is:

Article 6(1)(e); “necessary... in the exercise of official authority vested in the controller”; and Article 9(2)(h) ‘necessary for the purposes of preventative 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...”

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

The data will be shared with Southampton City CCG.

Rights to object

You have the right to object to this processing where it might result in a decision being made about you. That right may be based either on implied consent under the Common Law of Confidentiality, Article 22 of GDPR or as a condition of a Section 251 approval under the HSCA. It can apply to some or all of the information being shared with the recipients. Your right to object is in relation to your personal circumstances. Contact the Data Controller or the practice.

Right to access and correct

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.

Retention period

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

University Health Service – Privacy Notice

Right to Complain

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

Caldicott Guardian: 023 8055 7531
data.protection@unidocs.co.uk

Data Protection Officer: 023 8017 0610
spcl.dpo@nhs.net

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

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1	13/5/18	SPCL	
2	6/6/18	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.*