**MOUNT ORIEL MEDICAL PRACTICE**

**Privacy Notice – Electronic Care Record**

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| The Northern Ireland Electronic Care Record (NIECR) is a Northern Ireland specific development. It consists of a basic medical record held on a central government database on every patient registered with a GP surgery in Northern Ireland. The basic data is automatically extracted from your GP’s electronic record system and uploaded to the central system. GPs are required by their contract to allow this upload. The basic upload consists of current medication, allergies and details of any previous bad reactions to medicines, the name, address, date of birth and NHS H&C number of the patient.  Other detailed information is added by all the Secondary care trusts in the form of hospital discharge letters, outpatient letters, laboratory results and x-ray results. The record also contains records of hospital admissions and appointments in the past and that have been booked in the future. Your GP can see this information but not alter it.  The NIECR can only be viewed on systems directly linked to the NHS computer system, or remotely by staff using high level security protected devices.  You can find out more about the NIECR here <https://www.nidirect.gov.uk/articles/northern-ireland-electronic-care-record-niecr> | |
| 1**) Data Controller** contact details | Mrs Roberta Walsh, Practice Manager, Mount Oriel Medical Practice, Knockbreda Centre, 110 Saintfield Road, Belfast BT8 6GR Tel: 028 9070 1653 |
| 2**) Data Protection Officer** contact details | Dr Sean Devine, Mount Oriel Medical Practice, Knockbreda Centre, 110 Saintfield Road, Belfast BT8 6GR Tel: 028 9070 1653 |
| 3) **Purpose** of the sharing | Upload of basic health data. |
| 4) **Lawful basis** for processing or sharing | The processing of personal data in the delivery of direct care and for providers’ administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:  *Article 6(1)(e) ‘…necessary for the performance of a task carried out in the public interest or in the exercise of official authority…’.*  *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”\* |
| 5) **Recipient or categories of recipients** of the shared data | The data will be shared with Healthcare professionals and support staff in this surgery and at hospitals, diagnostic and treatment centres who contribute to your personal care. |
| 6) **Rights to object** | 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. |
| 7) **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. |
| 8**) Retention period** | The data will be retained in line with the law and national guidance. <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016> or speak to the practice. |
| 9) **Right to Complain**. | You have the right to complain to the Information Commissioner’s Office, you can use this link <https://ico.org.uk/global/contact-us/>  or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)  The Information Commissioner’s Office – Northern Ireland 3rd Floor 14 Cromac Place,  Belfast BT7 2JB  Telephone: 028 9027 8757 / 0303 123 1114 Email: [ni@ico.org.uk](mailto:ni@ico.org.uk) |

\* “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.