**MOUNT ORIEL MEDICAL PRACTICE**

**Privacy Notice – Medical Defence Organisations**

|  |  |
| --- | --- |
| In the event of a doctor having to obtain legal advice in relation to proceedings related to the care of a patient, the law allows patient information to be shared with medico-legal advisors. | |
| 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 | Health records can be reviewed by independent medico-legal experts. |
| 4) **Lawful basis** for processing or sharing | The Schedule 2 Paragraph 5 of the forthcoming Data Protection Bill 2018 states:  ***Information required to be disclosed by law etc. or in connection with legal proceedings 5(3)***  *The listed GDPR provisions do not apply to personal data where disclosure of the data is necessary*  *(a) for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings), or  (b) for the purpose of obtaining legal advice or otherwise establishing, exercising or defending legal rights*  *to the extent that the application of those provisions would prevent the controller from making the disclosure.*  When seeking medicolegal advice from defence organisations (i.e. *not formal or likely* legal proceedings as such) then information from an individual’s record may be disclosed to the supporting organisation.  That information will be:   * Relevant (i.e. not the entire GP record) * Anonymised or de-identified |
| 5) **Recipient or categories of recipients** of the shared data | The data will be shared with the Medical defence organisation (MDU, MDDUS, MPS) and any experts they employ. |
| 6) **Rights to object** | None |
| 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** | Usually 10 years. |
| 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.