**MOUNT ORIEL MEDICAL PRACTICE**

**Privacy Notice – Complaints**

|  |  |
| --- | --- |
| *Identity and contact details of the data controller and the data protection officer* | Data Controller: **Mrs Roberta Walsh, Practice Manager**  Data Protection Officer: **Dr Sean Devine** |
| *How does this comply with the Common Law Duty of Confidentiality?*   * *Consent* * *Implied (e.g. direct care)* * *Explicit (e.g. secondary uses)* * *COPI Regulations 2002 (e.g. Reg 5 - “s251”)* * *“overriding public interest” (to safeguard you or another person)* * *legal obligation (e.g. court order)* | Consent (implied)  This means that it would be reasonable to infer that you agree to the use of the information as long as:   * We are accessing the information to provide or support your **direct care**, or are satisfied that the person we are sharing the information with is accessing or receiving it for this purpose * Information is readily available to you, explaining how your information will be used and that you have the right to object * We have no reason to believe that you have objected   We are satisfied that anyone we disclose personal information to understands that we are giving it to them in confidence, which they must respect |
| *Purpose of the processing and the lawful basis for the processing* | Storage of communication following a complaint about care received at the practice.  This is a **Direct Care** purpose  Special category of data (health)  Lawful bases: **Article 6(1)(e) – Official Authority**  **Article 9(2)(h) – Provision of health** |
| *Is this:*   * *Access* ***to*** *your GP record* * *Extraction of information*  ***from*** *your GP record* * *Access to data held about you* ***by another data controller*** | Extraction of information from the GP record |
| *The recipient(s), or categories of recipients, of your personal data* | Communication (which is usually by email) between practice staff and the patient. |
| *Retention period of the data (or criteria used to determine the retention period)* | 3 years following resolution of the complaint. |
| *The existence of each of your rights* | You are able to exercise certain rights in relation to your personal data that we process.  These are set out in more detail at:  <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>  Article 6(1)(e) gives the data subject the right to object. |
| *The right to lodge a complaint with a supervisory authority* | Yes: The Information Commissioner |
| *The existence of automated decision making, including profiling and information about how decisions are made, the significance and the consequences* | No |
| *Further information* | When a complaint from a patient is received by the practice, discussion takes place between practice staff, and the patient, to try to resolve the complaint.  Any such communication (emails, letters, faxes) is stored in a hard copy (i.e. emails are printed) and *separately* from the GP patient record.  Any communication made by email is processed in line with our email data retention policy (deleted after 1 calendar month).  All correspondence relating to the complaint is then stored securely in a file for 3 years, when it is destroyed. |