

## Privacy Notice – Universal Care Plan Direct Care

Health and Social care staff require access to your Universal Care Plan to enable them to provide the best level of care to you.

To allow health and social care staff involved in your care the ability to utilise your Universal Care Plan (UCP) access is required to be provided to them through the InterSystems Care Planning platform.

People who have access to your information will only normally have access to that which they need to fulfil their roles.

You have the right to object to us sharing your data in these circumstances, but we have an overriding responsibility to comply with our legal obligations. Please see below.

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

<b>1) Controller</b> contact details	NHS South West London CCG 120 the Broadway Wimbledon London SW19 1RH
<b>2) Data Protection Officer</b> contact details	LSS Information Governance Strategic Lead <a href="mailto:nelcsu.dpo@nhs.net">nelcsu.dpo@nhs.net</a> 03000 428 438
<b>3) Purpose</b> of the processing	Direct Care is care delivered to the individual alone. After a patient agrees to a referral for direct care elsewhere, such as a referral to a specialist in a hospital, necessary and relevant information about the patient, their circumstances and their problem will need to be shared with the 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.  For Health and Social care personnel to provide responsive care to individuals there is a requirement to access and add to that persons Universal Care Plan.

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<p>4) <b>Lawful basis</b> for processing</p>	<p>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:</p> <p><i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</i></p> <p><i>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...’</i></p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
<p>5) <b>Recipient or categories of recipients</b> of the processed data</p>	<p>The data will be shared with Health and Social care professionals and support staff at hospitals, diagnostic and treatment centres who contribute to your personal care.  <a href="https://www.nhs.uk/pages/home.aspx">https://www.nhs.uk/pages/home.aspx</a></p>
<p>6) <b>Rights to object</b></p>	<p>You have the right to object to some or all the information being processed under Article 21. Please contact the Controller. You should be aware that this is a right to raise an objection, which is not the same as having an absolute right to have your wishes granted in every circumstance.</p>
<p>7) <b>Right to access and correct</b></p>	<p>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.</p>
<p>8) <b>Retention period</b></p>	<p>The data will be retained in line with the law and national guidance.  <a href="https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016">https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016</a> or speak to the CCG.</p>
<p>9) <b>Right to Complain.</b></p>	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a></p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)</p>

\* “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.

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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.