NHS LOTHIAN • PRIMARY CARE SERVICES

South Queensferry Medical Practice

41 The Loan, South Queensferry, EH30 9HA

Data Protection Notice — Effective from 1st November 2024

ABOUT SOUTH QUEENSFERRY MEDICAL PRACTICE

This practice is an independent contractor providing primary medical services by way of a contract with NHS Lothian, made under the National Health Service (Scotland) Act 1978 (the 1978 Act). It is one of the organisations which form part of NHS Scotland (NHSS).

ABOUT THE PERSONAL INFORMATION WE USE

We use personal information on different groups of individuals including:

- Patients
- Staff
- Contractors
- Suppliers
- Complainants, enquirers
- Survey respondents
- Professional experts and consultants
- Individuals captured by CCTV

The personal information we use includes information that identifies you like your name, address, date of birth, and postcode.

We also use more sensitive types of personal information, including information about racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; genetic and biometric data; health; sex life or sexual orientation.

The information we use can relate to personal and family details; education, training and employment details; financial details; lifestyle and social circumstances; goods and services; visual images; details held in the patient record; and responses to surveys.

OUR PURPOSES FOR USING PERSONAL INFORMATION

Under the 1978 Act, South Queensferry Medical Practice has the statutory responsibility to provide or arrange for the provision of a range of healthcare, health improvement, and health protection services. We are given these tasks so that we can help to promote the improvement of the physical and mental health of the people of NHS Lothian and assist in operating a comprehensive and integrated national health service in Scotland.

We use personal information to enable us to provide healthcare services for patients (including reminding you of appointments), data matching under the national fraud initiative, research, supporting and managing our employees, maintaining our accounts and records, and the use of CCTV systems for crime prevention.

OUR LEGAL BASIS FOR USING PERSONAL INFORMATION

South Queensferry Medical Practice, as data controller, is required to have a legal basis when using personal information. South Queensferry Medical Practice considers that performance of our tasks and functions are in the public interest. So,

when using personal information, our legal basis is usually that its use is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us.

In some situations, we may rely on a different legal basis; for example, when we are using personal information to pay a supplier, our legal basis is that its use is necessary for the purposes of our legitimate interests as a buyer of goods and services. Another example would be for compliance with a legal obligation to which South Queensferry Medical Practice is subject to; for example, under the Public Health etc (Scotland) Act 2008 we are required to notify Health Protection Scotland when someone contracts a specific disease.

When we are using more sensitive types of personal information, including health information, our legal basis is usually that the use is necessary:

- For the provision of health or social care or treatment or the management of health or social care systems and services; or
- For reasons of public interest in the area of public health; or
- For reasons of substantial public interest for aims that are proportionate and respect people's rights; or
- For archiving purposes, scientific or historical research purposes or statistical purposes, subject to appropriate safeguards; or
- In order to protect the vital interests of an individual; or
- For the establishment, exercise, or defence of legal claims or in the case of a court order.

On rare occasions we may rely on your explicit consent as our legal basis for using your personal information. When we do this, we will explain what it means, and the rights that are available, to you. You should be aware that we will continue to ask for your consent for other things like taking part in a drug trial, or when you are having an operation.

WHO PROVIDES THE PERSONAL INFORMATION

When you do not provide information directly to us, we receive it from other individuals and organisations involved in the delivery of health and care services in Scotland. These include other NHS Boards and primary care contractors such as GPs, dentists, pharmacists and opticians, other public bodies (e.g. Local Authorities), and suppliers of goods and services.

SHARING PERSONAL INFORMATION WITH OTHERS

Depending on the situation, where necessary we will share appropriate, relevant, and proportionate personal information in compliance with the law, with the following:

- Our patients and their chosen representatives or carers
- Staff
- Current, past and potential employers
- Healthcare, social, and welfare organisations
- Suppliers, service providers, legal representatives
- Auditors and audit bodies
- Educators and examining bodies
- Research organisations
- People making an enquiry or complaint
- Financial organisations
- Professional bodies
- Trade Unions
- Business associates
- Police forces
- Security organisations
- Central and local government
- Voluntary and charitable organisations

TRANSFERRING PERSONAL INFORMATION ABROAD

It is sometimes necessary to transfer personal health information overseas, for example if you require urgent medical treatment abroad. When this is needed, information may be transferred to countries or territories around the world. Any transfers made will be in full compliance with NHSScotland Information Security Policy.

RETENTION PERIODS OF THE INFORMATION WE HOLD

Within South Queensferry Medical Practice, we keep personal information as set out in the Scottish Government Records Management Code of Practice for Health and Social Care. The Code of Practice sets out minimum retention periods for information, including personal information, held in different types of records including personal health records and administrative records. As directed by the Scottish Government in the Records Management Code of Practice, we maintain a retention schedule as part of our Records Management policy detailing the minimum retention period for the information and procedures for the safe disposal of personal information.

HOW WE PROTECT PERSONAL INFORMATION

We take care to ensure your personal information is only accessible to authorised people. Our staff have a legal and contractual duty to keep personal health information secure and confidential. The following security measures are in place to protect personal information:

- All staff undertake mandatory training in Data Protection and IT Security
- Compliance with NHS Scotland Information Security Policy
- Organisational policy and procedures on the safe handling of personal information
- Access controls and audits of electronic systems

YOUR RIGHTS

This section contains a description of your data protection rights within South Queensferry Medical Practice.

The Right to be Informed

South Queensferry Medical Practice must explain how we use your personal information. We use a number of ways to communicate how personal information is used, including:

- This Data Protection Notice
- Information leaflets
- Discussions with staff providing your care

The Right of Access

You have the right to access your own personal information. This right includes making you aware of what information we hold along with the opportunity to satisfy you that we are using your information fairly and legally.

You have the right to obtain:

- Confirmation that your personal information is being held or used by us
- Access to your personal information
- Additional information about how we use your personal information

Although we must provide this information free of charge, if your request is considered unfounded or excessive, or if you request the same information more than once, we may charge a reasonable fee.

If you would like to access your personal information, you can do this by submitting a written request to the Practice Manager at the following address:

> **Practice Manager**
> South Queensferry Medical Practice
> 41 The Loan
> South Queensferry
> EH30 9HA

Once we have received your request and you have provided us with enough information for us to locate your personal information, we will respond to your request without delay, within one month (30 days). However, if your request is complex we may take longer, by up to two months, to respond. If this is the case, we will tell you and explain the reason for the delay.

The Right to Rectification

If the personal information we hold about you is inaccurate or incomplete you have the right to have this corrected.

If it is agreed that your personal information is inaccurate or incomplete, we will aim to amend your records accordingly, normally within one month, or within two months where the request is complex. However, we will contact you as quickly as possible to explain this further if the need to extend our timescales applies to your request. Unless there is a risk to patient safety, we can restrict access to your records to ensure that the inaccurate or incomplete information is not used until amended.

If for any reason we have shared your information with anyone else, perhaps during a referral to another service for example, we will notify them of the changes required so that we can ensure their records are accurate.

If on consideration of your request South Queensferry Medical Practice does not consider the personal information to be inaccurate then we may add a comment to your record stating your concerns about the information. If this is case we will contact you within one month to explain our reasons for this.

If you are unhappy about how South Queensferry Medical Practice has responded to your request for rectification we will provide you with information on how you can complain to the Information Commissioner's Office, or how to take legal action.

The Right to Object

When South Queensferry Medical Practice is processing your personal information for the purpose of the performance of a task carried out in the public interest or in the exercise of official authority you have the right to object to the processing and also seek that further processing of your personal information is restricted. Provided South Queensferry Medical Practice can demonstrate compelling legitimate grounds for processing your personal information, for instance; patient safety or for evidence to support legal claims, your right will not be upheld.

Other Rights

There are other rights under current Data Protection Law; however, these rights only apply in certain circumstances. For further information on these rights please visit ico.org.uk/for-the-public.

THE RIGHT TO COMPLAIN

South Queensferry Medical Practice employ a Data Protection Officer to check that we handle personal information in a way that meets data protection law. If you are unhappy with the way in which we use your personal information, please tell our Data Protection Officer using the contact details below:

> **Data Protection Officer**
> Information Governance, Woodlands House
> 74 Canaan Lane, Edinburgh, EH9 2TB
> **Phone:** 0131 465 5444 | **Email:** Loth.DPO@nhs.scot

Please note emails from your private email address may not be secure.

You also have the right to complain about how we use your personal information to the Information Commissioner's Office (ICO). Details about this are on their website at: ico.org.uk/your-data-matters/how-to-make-a-data-protection-complaint/

Our ICO Registration Number: Z7049428

Translation Service / Accessibility

If you require a translation service, please contact:

Interpretation and Translation Service
NHS Lothian Staff Bank, Comely Bank Centre
13 Crewe Road South, Edinburgh, EH4 2LD
Tel: 0131 536 2020 (option 5, option 5)
Email: loth.staffbankits@nhs.scot

DataLoch & Research

For details on NHS Lothian DataLoch, visit dataloch.org.

Research Studies: Research is essential for NHS progress. We may invite you to participate in studies with support from specialist NHS staff. No data is provided to researchers without specific consent, and you may opt out anytime via reception, practice manager, or your GP.