



NICS Privacy Notice Full Policy

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1 Introduction

1.1 Policy statement

NHS Digital collects information with the purpose of improving health and care for everyone. The information collected is used to:¹

¹ [NHS Digital – How we look after your health and care information](#)



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- Run the health service
- Manage epidemics
- Plan for the future
- Research health conditions, diseases and treatments

1.2 Principles

NHS Digital is a data controller and has a legal duty, in line with the General Data Protection Regulation (GDPR), to explain why it is using patient data and what data is being used. Similarly, NICS has a duty to advise patients of the purpose of personal data and the methods by which patient personal data will be processed.

1.3 Status

NICS aims to design and implement policies and procedures that meet the diverse needs of our service and workforce, ensuring that none are placed at a disadvantage over others, in accordance with the Equality Act 2010. Consideration has been given to the impact this policy might have in regard to the individual protected characteristics of those to whom it applies.

This document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time. For the avoidance of doubt, it does not form part of your contract of employment.

1.4 Training and support

NICS will provide guidance and support to help those to whom it applies to understand their rights and responsibilities under this policy. Additional support will be provided to managers and supervisors to enable them to deal more effectively with matters arising from this policy.

2 Scope

2.1 Who it applies to

This document applies to all employees, and directors of NICS. Other individuals performing functions in relation to NICS, such as agency workers, locums and contractors, are encouraged to use it.

2.2 Why and how it applies to them

Everyone should be aware of the practice privacy notice and be able to advise patients, their relatives and carers what information is collected, how that information may be used and with whom the practice will share that information.

The first principle of data protection is that personal data must be processed fairly and lawfully. Being transparent and providing accessible information to patients



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about how their personal data is used is a key element of the General Data Protection Regulation.

3 Definition of terms

3.1 Privacy notice

A statement that discloses some or all of the ways in which NICS gathers, uses, discloses and manages a patient's data. It fulfils a legal requirement to protect a patient's privacy.

3.2 Data Protection Act 2018 (DPA18)²

The Data Protection Act (DPA18) will ensure continuity by putting in place the same data protection regime in UK law pre- and post-Brexit.

3.3 Information Commissioner's Office (ICO)³

The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

3.4 General Data Protection Regulation (GDPR)⁴

The GDPR replaced the Data Protection Directive 95/46/EC and was designed to harmonise data privacy laws across Europe, to protect and empower all EU citizens' data privacy and to reshape the way in which organisations across the region approach data privacy. The GPDR came into effect in May 2018.

3.5 Data controller

The entity that determines the purposes, conditions and means of the processing of personal data

3.6 Data subject

A natural person whose personal data is processed by a controller or processor

4 Compliance with regulations

4.1 GDPR

² [Data Protection Act 2018](#)

³ [ICO](#)

⁴ [GDPR](#)



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In accordance with the GDPR, NICS will ensure that information provided to subjects about how their data is processed will be:

- Concise, transparent, intelligible and easily accessible
- Written in clear and plain language, particularly if addressed to a child
- Free of charge

4.2 Article 5 compliance

In accordance with Article 5 of the GDPR, NICS will ensure that any personal data is:

- Processed lawfully, fairly and in a transparent manner in relation to the data subject
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

Article 5 also stipulates that the controller shall be responsible for, and be able to demonstrate compliance with, the above.

4.3 Communicating privacy information

At NICS our privacy notice is displayed on our website, through signage in the waiting rooms of the 38 member practices of The Federation. We will:

- Inform patients how their data will be used and for what purpose
- Allow patients to opt out of sharing their data, should they so wish

4.4 What data will be collected?

At NICS the following data will be collected:

- Patient details (name, date of birth, NHS number)
- Address and NOK information
- Medical notes (paper and electronic)
- Details of treatment and care, including medications
- Results of tests (pathology, X-ray, etc.)
- Any other pertinent information



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4.5 National data opt-out programme

The national data opt-out programme affords patients the opportunity to make an informed choice about whether they wish their confidential patient information to be used just for their individual care and treatment or also used for research and planning purposes.⁵

Patients who wish to opt out of data collection will be able to set their national data opt-out choice online. An alternative provision will be made for those patients who are unable to do so or who do not want to use the online system.

Individuals who have opted out using the existing Type 2 opt-out will be automatically transferred to the new national data opt-out system and will be notified on an individual basis of the change.

Patients who have opted out cannot be seen in NICS Clinics.

5 Summary

It is the responsibility of all staff at NICS to ensure that patients understand what information is held about them and how this information may be used. Furthermore, NICS must adhere to the DPA18 and the GDPR to ensure compliance with extant legal rules and legislative acts.

⁵ [NHS Digital National data opt-out programme](#)



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Annex A – NICS privacy notice

NICS has a legal duty to explain how we use any personal information we collect about you, as a registered patient.

If you have been asked by your practice if you would like an appointment in an Improved Access Clinic for GP, Nurse or Physiotherapy and you have agreed. Then your details will have been forwarded to NICS.

NICS are the GP Federation for the 38 practices in North West Surrey and we support your practice by offering medical services.

NICS maintain records about your health and the treatment you receive in electronic format.

What information do we collect about you?

We will collect information such as personal details, including name, address, next of kin, records of appointments, visits, telephone calls, your health records, treatment and medications, test results, X-rays, etc. and any other relevant information to enable us to deliver effective medical care.

How we will use your information

Your data is collected for the purpose of providing direct patient care; however, we can disclose this information if it is required by law, if you give consent or if it is justified in the public interest. NICS may be requested to support research; however, we will always gain your consent before sharing your information with medical research databases such as the Clinical Practice Research Datalink and QResearch or others when the law allows.

In order to comply with its legal obligations, NICS may send data to NHS Digital when directed by the Secretary of State for Health under the Health and Social Care Act 2012. Additionally, NICS contributes to national clinical audits and will send the data that is required by NHS Digital when the law allows. This may include demographic data, such as date of birth, and information about your health which is recorded in coded form; for example, the clinical code for diabetes or high blood pressure.

Processing your information in this way and obtaining your consent ensures that we comply with Articles 6(1)(c), 6(1)(e) and 9(2)(h) of the GDPR.

Maintaining confidentiality and accessing your records

We are committed to maintaining confidentiality and protecting the information we hold about you. We adhere to the General Data Protection Regulation (GDPR), the NHS Codes of Confidentiality and Security, as well as guidance issued by the Information Commissioner's Office



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(ICO). You have a right to access the information we hold about you, and if you would like to access this information, you will need to complete a Subject Access Request (SAR). Please send an email to nics.admin@nhs.net to request a SAR form and you will be given further information. Furthermore, should you identify any inaccuracies, you have a right to have the inaccurate data corrected.

Opt-outs

You have a right to object to your information being shared. Should you wish to opt out of data collection, please contact a member of staff at your own GP surgery who will be able to explain how you can opt out and prevent the sharing of your information; this is done by registering to opt out online (national data opt-out programme) or if you are unable to do so or do not wish to do so online, by speaking to a member of staff. If you opt out you cannot be seen in any of NICS clinics.

What to do if you have any questions

Should you have any questions about our Privacy Policy or the information we hold about you,

Contact NICS data controller via email at nics.admin@nhs.net.
The Data Protection Officer (DPO) for NICS is Dr Mohan Kanagandasaram.
Our full privacy policy can be seen on our website.
www.nicsfed.co.uk

Complaints

In the unlikely event that you are unhappy with any element of our data-processing methods, you have the right to lodge a complaint with the ICO. For further details, visit ico.org.uk and select "Raising a concern".