

To all practices in Surrey and Sussex LMCs

27<sup>th</sup> April 2018

Dear Colleagues

### GDPR Update: Privacy Notices

I enclose copies of template privacy notices which practices can adapt; these are drawn from Dr Paul Cundy's (Chair of the GP IT Sub Committee) blog which is available at [https://www.dropbox.com/sh/h22kak6pxlt8ily/AAB4gAuHKib\\_MZ44Xi3AbAf4a?dl=0](https://www.dropbox.com/sh/h22kak6pxlt8ily/AAB4gAuHKib_MZ44Xi3AbAf4a?dl=0) and which also contains a wealth of further information about GDPR.

Under GDPR all privacy notices must include: -

- The name and contact details of your organisation, the Data Controller (DC); this will be your practice
- The contact details of your Data Protection Officer [DPO]: at present unless you have separately and privately contracted this [not recommended] GP practices are not yet in a position to designate a DPO, and further advice will follow
- The purpose of the data processing undertaken by the Data Controller (DC)
- The lawful basis of the data processing
- The recipients or categories of recipients of the personal data
- The details of transfer of the personal data to any third countries [outside the EU] or international organisations
- The retention period for the personal data
- The rights available to individuals in relation to processing
- The right to withdraw consent
- The right to lodge a complaint with a supervisory authority (the Information Commissioner)

Obviously for most NHS GP practices, this information will be very generic, which is why templates can be used with practices filling in their individual details.

Practices need to make sure their Privacy Notices are "easily accessible" but it is not necessary to display all privacy notices: the Information Commissioner suggests a 'laying' approach in which the most significant Notice is displayed – this being the Privacy Notice entitled: Direct Care and links can then be provided available to other notices.

To fulfil the accessibility criterion practices could use:

- The practice noticeboard and website
- A practice waiting room reference file
- Messages that appear on display screens
- Notices given to newly registering patients
- Occasional messages on the 'message' area of prescriptions

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But the most important element is to ensure via staff training that staff are aware of GDPR, can answer the basics, and can signpost any enquiries to further sources of information.

I enclose with this email template Privacy Notices for the following areas:

- Direct care
- Emergencies
- CQC
- National Screening Programmes
- Payments
- Risk stratification
- Summary Care Record
- NHS Digital
- Public Health
- Research
- Safeguarding

The first are, 'Direct Care' should represent your primary 'Privacy Notice' in terms of display, but patients [Data Subjects] will need to have access to others. These can all be adapted but were written with the need for a straightforward 'plain English' text in mind. The 'Direct Care' Privacy Notice will also need to be provided in response to any SAR [Subject Access Requests].

There are links to other sources of Privacy Notices [and obviously considerably more information] in the resources available as below:

- IGA [Information Governance Alliance]
- Key points for GPs <https://digital.nhs.uk/information-governance-alliance/General-Data-Protection-Regulation-guidance>
- BMA <https://www.bma.org.uk/advice/employment/ethics/confidentiality-and-health-records/gps-as-data-controllers>
- Information Commissioner [www.ico.org.uk](http://www.ico.org.uk)
- Dr Paul Cundy (Chair of GPC IT Committee) Blogs at [https://www.dropbox.com/sh/h22kak6pxlt8ily/AAB4gAuHKib\\_MZ44Xi3AbAf4a?dl=0](https://www.dropbox.com/sh/h22kak6pxlt8ily/AAB4gAuHKib_MZ44Xi3AbAf4a?dl=0)

And from the CCG/CSU presentation being provided.

There will be more updates!

With best wishes



Dr Julius Parker  
Chief Executive