

OAKLEY HEALTH GROUP	
SECONDARY USES OF INFORMATION POLICY	
REVIEW DATE:	19.02.18
REVIEWED BY:	Dr Neil Bhatia
NEXT REVIEW:	25.05.18

Background to secondary uses

1. The practice, as data controller, has an obligation to provide its patients with fair processing information about all secondary uses of their personal confidential information (that is, for purposes other than direct medical care), including how their data will be used, and of their right to object to that processing, i.e. to opt-out.
This obligation is a requirement under the Data Protection Act 1998.
2. GP practices extract and upload information (usually identifiable) for secondary purposes; that is, unrelated to direct medical care. Patients have the right to object to the *extraction and* uploading of their PCD, for all secondary processing purposes, by means of a unitary opt-out (Type 1 objection, 9Nu0).
3. NHS Digital defines a Type 1 objection as an objection "to information containing identifiable data about them *from leaving* their general practice for purposes other than direct care".
4. A Type 2 objection, once recorded and passed to NHS Digital, should ensure that NHS Digital is prohibited from releasing confidential identifiable information, that they hold about the patient, for purposes other than direct care.

Other secondary uses

5. The surgery *does not currently* upload data to the local risk stratification scheme (ACG tool).
6. The surgery *does* upload to the National Diabetes Audit.
7. The surgery is mandated to extract and upload information concerning eMed3 certificates. Whilst this information is de-identified, it is nevertheless a secondary uses of information and accordingly the Type 1 objection also prohibits the extraction and uploading of such data.

8. The surgery *does not* permit further processing of data uploaded to the The Hampshire Health Record (CHIE) for secondary purposes.

Provision of fair processing information

9. The practice will provide information about secondary uses and make that information widely accessible. We will make full use of the technology available to us to promote transparency and fairness as regards our approach.
10. The practice will ensure that patients are provided with the following information informing them of ongoing and impending extraction of their data for secondary purposes
- The type of data being extracted, and the fact that it may be identifiable
 - The likely ways in which those receiving the data will use their information
 - A secondary uses objection will prohibit all secondary uses, such as the national audits, risk stratification, future identifiable GPES extractions, extraction of eMed3 data and other mandatory extractions to NHS Digital
 - The fact that the data controller for the extracted data will often not be the surgery
 - The fact that opting-out of *secondary use* extractions will in no way impact on the provision of NHS services to the individual or their family
 - How to opt-out of *secondary uses* extractions (in person, via a form, by email, online)
11. The practice will provide links to, and hard-copies of (on request), all relevant information and viewpoints about secondary uses. For balance, these will include both official NHS Digital/NHS England information and alternative sources.
Patients will then have as much information as possible with which to make an informed decision as to whether to object or not.
12. The practice will make the information available in as many ways as possible, including:
- a. Posters in our lobby and waiting room
 - b. Factsheets available from the lobby, from reception and from the waiting room
 - c. Our practice website, where the factsheets & opt-out forms, and this policy, will be downloadable
 - d. Our practice booklet
 - e. Practice newsletters
 - f. Leaflets given to newly-registering patients
 - g. Links to other sources of information

h. Amendments to our confidentiality policy

The factsheet will provide detailed information to patients about our policy, in line with the guidance produced by the ICO in their "Privacy notices code of practice" booklet, as well as links to further information and contact details if they have further questions.

13. The practice will strive to ensure that patients understand the differences between secondary uses and other NHS data sharing schemes such as the SCR, the HHR, and EMIS Web data streaming.

Patients who wish to opt-out

14. Patients have the right to prevent their personal confidential information from being extracted and uploaded for any and all secondary purposes.
15. Patients can opt-out of secondary uses via the form, in person, online, or by fax/letter/e-mail.
16. Patients opting out of secondary uses will have *both* the 9Nu0 and 9Nu4 read codes added.

Assistance for patients

17. Patients who wish for more information can contact Dr Neil Bhatia (Caldicott Guardian) by email or telephone.
18. Dr Neil Bhatia is the practice's nominated "secondary uses expert".

Ongoing maintenance of the policy

19. Dr Neil Bhatia will be responsible for ensuring that the policy is maintained accordingly. This will include adding the relevant read-codes to patient records.

Freedom of information

20. This policy will be available if requested under the FOI Act.
21. This policy will be downloadable from our website.