

## **How The Montague Clinic uses your information to provide you with healthcare**

**This practice keeps medical records confidential and complies with the General Data Protection Regulation.**

**We hold your medical record so that we can provide you with safe care and treatment.**

**We will also use your information so that this practice can check and review the quality of the care we provide. This helps us to improve our services to you.**

- We will share relevant information from your medical record with other health or social care staff or organisations when they provide you with care. For example, your GP will share information when they refer you to a specialist in a hospital. Or your GP will send details about your prescription to your chosen pharmacy.
- If you require emergency medical care, we may share information with healthcare staff working in A&E. For example, it is important that staff who are treating you in an emergency know if you have any allergic reactions.
- You have the right to object to information being shared for your own care. Please speak to the clinic if you wish to object. You also have the right to have any mistakes or errors corrected.

## **Other important information about how your information is used to provide you with healthcare**

### **Safeguarding**

- Sometimes we need to share information so that other people, including healthcare staff, children or others with safeguarding needs, are protected from risk of harm.
- These circumstances are rare.
- We do not need your consent or agreement to do this.

We are required by law to provide you with the following information about how we handle your information.

<b>Data Controller</b> contact details	The Montague Clinic, Lower Ground Floor, 60 Cannon St, London, EC4N 6NP
<b>Data Protection Officer</b> contact details	Dr Banerjee The Montague Clinic, Lower Ground Floor, 60 Cannon St, London, EC4N 6NP <a href="mailto:info@montagueclinic.com">info@montagueclinic.com</a>
<b>Purpose</b> of the processing	<ul style="list-style-type: none"> <li>• To give direct health or social care to individual patients.</li> <li>• For example, when a patient agrees to a referral for direct care, such as to a hospital, relevant information about the patient will be shared with the other healthcare staff to enable them to give appropriate advice, investigations, treatments and/or care.</li> <li>• To check and review the quality of care. (This is called audit and clinical governance).</li> </ul>
<b>Lawful basis</b> for processing	<p>These purposes are supported under the following sections 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...’; and</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>Healthcare staff will also respect and comply with their obligations under the common law duty of confidence.</p>
<b>Recipient or categories of recipients</b> of the processed data	<p>The data will be shared with:</p> <ul style="list-style-type: none"> <li>• healthcare professionals and staff in The Montague Clinic;</li> <li>• local hospitals;</li> <li>• out of hours services;</li> <li>• diagnostic and treatment centres;</li> <li>• or other organisations involved in the provision of direct care to individual patients.</li> </ul>
<b>Rights to object</b>	<ul style="list-style-type: none"> <li>• You have the right to object to information being shared between those who are providing you with direct care.</li> <li>• This may affect the care you receive – please speak to the practice.</li> </ul>

	<ul style="list-style-type: none"> <li>You are not able to object when information is legitimately shared for safeguarding reasons.</li> <li>In appropriate circumstances it is a legal and professional requirement to share information for safeguarding reasons. This is to protect people from harm.</li> </ul>
<b>Right to access and correct</b>	<ul style="list-style-type: none"> <li>You have the right to access your medical record and have any errors or mistakes corrected. Please contact our Data Controller at <a href="mailto:info@montagueclinic.com">info@montagueclinic.com</a></li> <li>We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.</li> </ul>
<b>Retention period</b>	<p>GP medical records will be kept in line with the law and national guidance. On this matter The Montague Clinic follows NHS digital's guidance, which can be found at:</p> <p><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></p>
<b>Right to complain</b>	<p>You have the right to complain to the Information Commissioner's Office. If you wish to complain follow this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a> or call the helpline <b>0303 123 1113</b></p>
<b>Data we get from other organisations</b>	<p>We receive information about your health from other organisations who are involved in providing you with health and social care. For example, if you go to hospital for treatment or an operation the hospital will send us a letter to let us know what happens. This means your GP medical record is kept up-to date when you receive care from other parts of the health service.</p>

## How your information is shared so that this practice can meet legal requirements

The law requires The Montague Clinic share information from your medical records in certain circumstances. Information is shared so that Public Health England can, for example:

- plan and manage services;
- prevent infectious diseases from spreading.

We will share information with the Care Quality Commission and local health protection team (or Public Health England) when the law requires us to do so. Please see below for more information.

We must also share your information if a court of law orders us to do so.

### Care Quality Commission (CQC)

- The CQC regulates health and social care services to ensure that safe care is provided.
- The law says that we must report certain serious events to the CQC, for example, when patient safety has been put at risk.
- For more information about the CQC see: <http://www.cqc.org.uk/>

### Public Health

- The law requires us to share data for public health reasons, for example to prevent the spread of infectious diseases or other diseases which threaten the health of the population.
- We will report the relevant information to local health protection team or Public Health England.
- For more information about Public Health England and disease reporting see: <https://www.gov.uk/guidance/notifiable-diseases-and-causative-organisms-how-to-report>

We are required by law to provide you with the following information about how we handle your information and our legal obligations to share data.

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<b>Purpose</b> of the processing	Compliance with legal obligations or court order.
<b>Lawful basis</b> for processing	The following sections of the GDPR mean that we can share information when the law tells us to.  <i>Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject...’</i>  <i>Article 9(2)(h) – ‘processing is necessary for the purpose of preventative...medicine...the provision of health or social care or treatment or the management of health or social care systems and services...’</i>
<b>Recipient or categories of recipients</b> of the processed data	<ul style="list-style-type: none"> <li>• The data will be shared with the Care Quality Commission.</li> <li>• The data will be shared with our local health protection team or Public Health England.</li> <li>• The data will be shared with the court if ordered.</li> </ul>
<b>Rights to object and the national data opt-out</b>	<p>There are very limited rights to object when the law requires information to be shared but government policy allows some rights of objection as set out below.</p> <p>Public health</p> <ul style="list-style-type: none"> <li>• Legally information must be shared under public health legislation. This means that you are unable to object.</li> </ul> <p>Care Quality Commission</p> <ul style="list-style-type: none"> <li>• Legally information must be shared when the Care Quality Commission needs it for their regulatory functions. This means that you are unable to object.</li> </ul> <p>Court order</p> <ul style="list-style-type: none"> <li>• Your information must be shared if ordered by a court. This means that you are unable to object.</li> </ul>
<b>Right to access and correct</b>	<ul style="list-style-type: none"> <li>• You have the right to access your medical record and have any errors or mistakes corrected. Please contact our Data Controller at <a href="mailto:info@montagueclinic.com">info@montagueclinic.com</a></li> </ul>

	<ul style="list-style-type: none"> <li>We are not aware of any circumstances in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information, and contact us if you hold a different view.</li> </ul>
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