

**BENSHAM FAMILY PRACTICE**  
**PROCESSING PERSONAL DATA POLICY**

**Introduction**

General Practice operates on a basis of trust. That trust is between the doctor and the patient. It means that any information provided by a patient to a doctor is privileged and cannot be revealed to a third party. Without assurances about confidentiality, patients may be reluctant to give information that is needed to provide their health care.

Staff responsible for confidential information must make sure that the information is effectively protected against improper disclosure when it is received, stored, transmitted or disposed of.

When patients give consent to disclosure of information about themselves, staff must make sure the individual understands what will be disclosed, the reasons for the disclosure and the likely consequences.

Staff must make sure that individuals / patients are informed whenever information about them is likely to be disclosed to others involved in their health care and that they have the opportunity to withhold permission.

**Procedure**

The following good practice must be observed during the course of your work.

Information about the health and welfare of a patient is confidential and should not be disclosed to other persons without the consent of the patient except in certain specified circumstances, e.g. where there is a serious risk of harm to other individuals, where it is necessary for the prevention, detection or prosecution of serious crime or to the overall benefit to a patient who lacks capacity, justified in the public interest. The decision to release information where judgement is required should be made by a doctor.

Confidential data must only be examined on a need to know basis during the course of an individual's work.

It is the responsibility of every member of the Practice team to ensure that data about a patient is not handled by unauthorised people. Any breach of personal data must be reported to the Practice Manager.

If it appears that someone is deliberately attempting to handle data outwith their work duties, this must be reported immediately to the Practice Manager / GP.

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Confidential information must not be discussed in a public place or with unauthorised people. Do not discuss patients' details in corridors, in front Reception, etc. Do not discuss information gleaned from dictation etc. Any information heard in the Staff Room or elsewhere relating to specific patients should be treated the same as information contained in patient records and may not be disclosed to a third party.

No patient related information may be removed from a patient file or deleted from a computer record without the specific authority of the Doctor.

No patient related information may be removed from the Practice premises unless authorised to transport such information between sites or for other medical or clinical reasons and such action is approved beforehand by a Practice Manager / GP.

Copies of confidential documents with personal data should rarely be required to be made. In such cases, take great care not to leave documents lying in the photocopier. Shred all unwanted photocopies of personal data, or put in confidential waste bags or orange buckets provided for this purpose. Confidential waste bags must be properly secured before collection.

Adopt a "Clear Desk" policy. Do not leave confidential information lying around your desk where it can be seen by unauthorised people, e.g. engineers, delivery persons etc.

Use the Practice secure mailbox to transmit authorised patient information when possible.

Only use the approved list of email addresses to send personal information. The practice will only send emails using NHS mail and only send to recipients using NHS mail.

Bensham Family Practice do not use a fax machine.

Any information concerning patients that is sent in the post must be secure. Ensure that envelopes are addressed correctly and if necessary marked "Private & Confidential". If using labels to address envelopes, ensure that only the name and address of patient is legible. Blot out any other information.

When telephoning patients, best practice is not to give information to anyone other than the patient. However, in some circumstances it may be necessary and in the patient's best interest to provide continuous care, to speak to a patient's representative e.g. carer or other. Discretion must be used at all times.

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If a patient phones for medical information such as a test result, take their name and address, date of birth and date of test done as a double check. If there is uncertainty about a caller, take the phone number and phone back.

Any information acquired, learnt or coming to your attention relating to the business of the Practice, whether of an organisational, financial or personal nature must be treated with the same confidentiality as patient specific information.

Any student working in the Practice should be made aware of the importance of maintaining confidentiality at all times. Attached staff must be aware of the Practice Confidential Policy.

Any breach of confidentiality will be subject to investigation and/or disciplinary proceeding as per the Practice's Disciplinary Policy and may result in dismissal. Serious personal data breaches need to be reported to the ICO no later than 72 hours. Use the ICO Reporting Form (see attachment 1)

For the avoidance of doubt, all information relating to patients/staff must remain within the Practice and must not be disclosed in any form to any person within or out with the Practice without consent of the patient, unless there are lawful reasons for doing so, e.g. in the interest of public safety, child protection, request by Procurator Fiscal or you have the assurance from an Officer of a Government Department or Agency or a Registered Health Professional acting on the patient's behalf. If in doubt always refer to a Doctor or the Practice Manager.

Treat other people's information in the same way you would wish your own personal information to be treated. Keep it strictly confidential.

Signature .....

Date .....

Where patient identifiable information must be transmitted to external organisations, there is a much greater risk of unencrypted emails being intercepted with a consequent breach of patient confidentiality.

Only NHSmail accounts may be used to send patient identifiable information to external recipients who use the secure email addresses noted above.

It is not acceptable to send personal identifiable information outwith NHS Fife by another route using email.

Refer to section 8 for further guidance on classifications of information that should and should not be sent by email and how the information should be protected.

The nhs.uk address has been approved for use by NHS Scotland.

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(ATTACHMENT 1)



**Need help?**  
Call our helpline  
0303 123 1113

## Report an unlawful use of personal data

This form is for data controllers to report that data has been unlawfully obtained or disclosed (a breach of section 55 of the Data Protection Act) to the ICO.

We will use the information you provide to record the incident, and make decisions about any further action we may take. Please provide as much information as possible.

**1. Please describe what has happened**

**2. Has personal data been put at risk?**

Yes

No

If yes, please describe the type of data involved

**3. How many individuals have been affected?**

**4. Have the individual(s) responsible or involved in the incident been identified?**

Yes

No

**5. Has there been any media coverage of the incident?**

Yes

No

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**6. Have you informed the data subjects about the incident?**

- Yes  
 No

**7. Have you taken action to minimise or mitigate the effect on those affected?**

- Yes  
 No

If yes, please provide details

**8. Have you notified any other bodies or regulators about this incident? If so, please provide details**

Please include their response, and any relevant reference number, eg crime reference number

**9. Is there any other information you think would be relevant?**

**10. Your details**

Full name:

Organisation:

Last name:

Address:

Email:

Phone:

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## 11. Sending your form to us

### **By email**

We use Transport Layer Security (TLS) to encrypt and protect email traffic. If your mail server does not support TLS, you should be aware that any emails you send to us may not be protected in transit.

1. Fill in this form and save it to your computer.
2. Open a new email, with 's55 breach notification form' in the subject line.
3. Email the completed form to [casework@ico.org.uk](mailto:casework@ico.org.uk)

### **By post**

Print this form and post it to:  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

### **What happens next?**

When we receive this form, we will contact you within seven calendar days to provide:

- A case reference number; and
- Information about our next steps.