



HARLOR ROAD SURGERY

## How we use your medical records

### Important information for patients

- This practice handles medical records in-line with laws on data protection and confidentiality.
- We share medical records with those who are involved in providing you with care and treatment.
- In some circumstances we will also share medical records for medical research, for example to find out more about why people get ill.
- We share information when the law requires us to do so, for example, to prevent infectious diseases from spreading or to check the care being provided to you is safe.
- You have the right to be given a copy of your medical record.
- You have the right to object to your medical records being shared with those who provide you with care.
- You have the right to object to your information being used for medical research and to plan health services.

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

The law requires Harlow Road Surgery to share information from your medical records in certain circumstances. Information is shared so that the NHS or Public Health England can, for example:

- plan and manage services;
- check that the care being provided is safe;
- prevent infectious diseases from spreading.

We will share information with NHS Digital, 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.

### NHS Digital

- NHS Digital is a national body which has legal responsibilities to collect information about health and social care services.
- It collects information from across the NHS in England and provides reports on how the NHS is performing. These reports help to plan and improve services to patients.
- This practice must comply with the law and will send data to NHS Digital, for example, when it is told to do so by the Secretary of State for Health or NHS England under the Health and Social Care Act 2012.
- More information about NHS Digital and how it uses information can be found at: <https://digital.nhs.uk/home>

### 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.

<b>Data Controller</b> contact details	Harlow Road Surgery – 1 Harlow Road – Rainham – RM13 7UP
<b>Data Protection Officer</b> contact details	NMG Consultancy Limited – 130 Balgores Lane – Romford – RM2 5JX Tel 07496 854 196
<b>Purpose</b> of the processing	Compliance with legal obligations and contractual obligations to provide healthcare
<b>Lawful basis</b> for processing	The following sections of the GDPR mean that we can share information when the law tells us to.  Article 6(1)(c) – ‘processing is necessary for compliance with a legal obligation to which the controller is subject...’  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...’
<b>Recipient or categories of recipients</b> of the processed data	<ul style="list-style-type: none"><li>• The data will be shared with NHS Digital.</li><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>

<p><b>Rights to object and the national data opt-out</b></p>	<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>NHS Digital</p> <ul style="list-style-type: none"> <li>• You have the right to object to information being shared with NHS Digital for reasons other than your own direct care.</li> <li>• This is called a ‘Type 1’ objection – you can ask your practice to apply this code to your record.</li> <li>• Please note: The ‘Type 1’ objection, however, will no longer be available after 2020.</li> <li>• This means you will not be able to object to your data being shared with NHS Digital when it is legally required under the Health and Social Care Act 2012. Public health</li> <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 it ordered by a court. This means that you are unable to object.</li> </ul>
<p><b>Right to access and correct</b></p>	<ul style="list-style-type: none"> <li>• You have the right to access your medical record and have any errors or mistakes corrected. Please speak to a member of staff or look at our ‘subject access request’ policy on the practice website – <a href="http://www.harlowroadsurgery.com">www.harlowroadsurgery.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>
<p><b>Retention period</b></p>	<p>GP medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: <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> or speak to the practice.</p>
<p><b>Right to complain</b></p>	<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>

## **National screening programs**

- The NHS provides national screening programs so that certain diseases can be detected at an early stage.
- These screening programs include bowel cancer, breast cancer, cervical cancer, aortic aneurysms and a diabetic eye screening service.
- The law allows us to share your contact information with Public Health England so that you can be invited to the relevant screening program.
- More information can be found at: <https://www.gov.uk/topic/population-screening-programmes> or speak to the practice.

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

<b>Data Controller</b> contact details	Harlow Road Surgery – 1 Harlow Road – Rainham – RM13 7UP
<b>Data Protection Officer</b> contact details	NMG Consultancy Limited – 130 Balgores Lane – Romford – RM2 5JX Tel 07496 854 196
<b>Purpose</b> of the processing	<ul style="list-style-type: none"><li>• The NHS provides several national health screening programmes to detect diseases or conditions early such as cervical and breast cancer, aortic aneurysm and diabetes.</li><li>• The information is shared so that the correct people are invited for screening. This means those who are most at risk can be offered treatment.</li></ul>
<b>Lawful basis</b> for processing	The following sections of the GDPR allow us to contact patients for screening.  Article 6(1)(e) – ‘processing is necessary...in the exercise of official authority vested in the controller...’  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...’
<b>Recipient or categories of recipients</b> of the processed data	The data will be shared with NHS Digital.

<b>Rights to object</b>	<p>For national screening programmes: you can opt so that you no longer receive an invitation to a screening programme. See: <a href="https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes">https://www.gov.uk/government/publications/opting-out-of-the-nhs-population-screening-programmes</a></p> <p>Or speak to your practice.</p>
<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 speak to a member of staff or look at our 'subject access request' policy on the practice website – <a href="http://www.harlowroadsurgery.com">www.harlowroadsurgery.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. Information on how long records can be kept can be found at: <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> or speak to the practice.</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 0303 123 1113</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 Harlow Road Practice 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 organization's when they provide you with care. Following are some of the most common situations where we will use this provision:

- we will share your information when we refer you to a specialist in a hospital.
- Your GP will send details about your prescription to your chosen pharmacy.
  
- Healthcare staff working in A&E and out of hours care will also have access to your information. For example, it is important that staff who are treating you in an emergency know if you have any allergic reactions. This will involve the use of your medical Records. For more information please visit [www.digital.nhs.uk](http://www.digital.nhs.uk) and browse the site for summary care records
  
- You have the right to object to information being shared for your own care. Please speak to the practice if you wish to object using the right to object form 6.1.
  
- You also have the right to have any mistakes or errors corrected. Please speak to the practice and complete the form 6.2 – Right to Error Correction.

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

### **Registering for NHS care**

- All patients who receive NHS care are registered on a national database.
- This database holds your name, address, date of birth and NHS Number but it does not hold information about the care you receive.
- The database is held by NHS Digital, a national organization which has legal responsibilities to collect NHS data.

More information can be found at [www.digital.nhs.uk](http://www.digital.nhs.uk)

### **Identifying patients who might be at risk of certain diseases**

- Your medical records will be searched by a computer program so that we can identify patients who might be at high risk from certain diseases such as heart disease or unplanned admissions to hospital.
- This means we can offer patients additional care or support as early as possible.
- This process will involve linking information from your GP record with information from other health or social care services you have used.
- Information which identifies you will only be seen by this practice.
- More information can be found at [www.digital.nhs.uk](http://www.digital.nhs.uk)

### **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.
- Please see our local policies for more information



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

<b>Data Controller</b>	Harlow Road Surgery – 1 Harlow Road – Rainham – RM13 7UP
<b>Data Protection Officer</b>	Mr. Zubair Ahmad - FCCA, MSc (IT) <a href="mailto:Zubair.ahmad1@nhs.net">Zubair.ahmad1@nhs.net</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>• When a patient is referred 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>Please note that processing as described in this policy document is supported by the following GDPR provisions:</p> <ul style="list-style-type: none"> <li>• Article 6(1)e and</li> <li>• Article 9(2)(h)</li> </ul> <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 this surgery;</li> <li>• 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> <li>• You are not able to object to your name, address and other demographic information being sent to NHS Digital.</li> <li>• This is necessary if you wish to be registered to receive NHS care.</li> <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 speak to a member of staff or look at our ‘subject access request’ policy on the practice website <a href="http://www.harlowroadsurgery.com">www.harlowroadsurgery.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. For details please visit <a href="http://www.digital.nhs.uk">www.digital.nhs.uk</a> and search for Records Management Code of Practice 2020 and Records Management Cod of practice 2016</p>
<b>Right to complain</b>	<p>You have the right to complain to the Information Commissioner’s Office. Complaints procedure is listed on information commissioner’s website at <a href="http://www.ico.org.uk">www.ico.org.uk</a></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 used for medical research and to measure the quality of care

### Medical research

Harlow Road Surgery shares information from medical records:

- to support medical research when the law allows us to do so, for example to learn more about why people get ill and what treatments might work best;
- we will also use your medical records to carry out research within the practice.

This is important because:

- the use of information from GP medical records is very useful in developing new treatments and medicines;
- medical researchers use information from medical records to help answer important questions about illnesses and disease so that improvements can be made to the care and treatment patients receive.

We share information with the medical research organizations with your explicit consent or when the law allows. **However, at present we do not have any such exchange of information agreement in place.**

You have the right to object to your identifiable information being used or shared for medical research purposes. Please speak to the practice if you wish to object and complete the Right to object form 6.1

### Checking the quality of care - national clinical audits

Harlow Road Surgery contributes to national clinical audits so that healthcare can be checked and reviewed.

- Information from medical records can help doctors and other healthcare workers measure and check the quality of care which is provided to you.
- The results of the checks or audits can show where hospitals are doing well and where they need to improve.
- The results of the checks or audits are used to recommend improvements to patient care.
- Data is accessed by NHS Digital, a national body with legal responsibilities to collect data.

- The data will include information about you, such as your NHS Number and date of birth and information about your health which is recorded in coded form - for example the code for diabetes or high blood pressure.
- We will only share your information for national clinical audits or checking purposes when the law allows.
- For more information about national clinical audits see the Healthcare Quality Improvements Partnership website [www.hqip.org.uk](http://www.hqip.org.uk)
- You have the right to object to your identifiable information being shared for national clinical audits. Please contact the practice if you wish to object and complete the Right to object form 6.1.

We share your information for medical and research purposes.

<b>Data Controller</b> contact details	Harlow Road Practice – 1 Harlow Road – Rainham – RM13 7UP
<b>Data Protection Officer</b>	NM Governance Consultancy Ltd 130 Balgores Lane Romford Essex RM2 5JX 07496 854196  <a href="mailto:nick@nmgconsultancy.co.uk">nick@nmgconsultancy.co.uk</a>
<b>Purpose</b> of the processing	Medical research and to check the quality of care which is given to patients (this is called national clinical audit).
<b>Lawful basis</b> for processing	<p>We make use of the following GDPR regulations to process data in our surgery for the purposes of research and check the quality of the care, we provide:</p> <ul style="list-style-type: none"> <li>• Article 6(1)(e) and</li> <li>• Article 9(2)(a)</li>   <li>• Please note that if you give us you explicit consent, the information is used under Article 9(2)a. However, the surgery reserves the right use use article 9(2)(j) where it deems to be a medical necessity to processing is necessary for scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member States law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject’.</li>   <li>• Please note that in order the check the quality of care we provide we may use your data under Article 9(2)(h).</li> </ul>
<b>Recipient or categories of recipients</b> of the processed data	For medical research purpose we may share your data. We maintain a list of such organisations. Kindly ask reception for list of research organisations Reference 6.3
<b>Rights to object and the national data opt-out</b>	<p><b>You have a right to object under the GDPR and the right to ‘opt-out’ under the national data opt-out model. The national data opt-out model provides an easy way for you to opt-out of:</b></p>

	<p>Information that identifies you being used or shared for medical research purposes and quality checking or audit purposes.</p> <p>Please contact the practice if you wish to opt-out. This is now being progressively replaced by the national opt out scheme.</p>
<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 speak to a member of staff or look at our 'subject access request' policy on the practice using the online patient access. Please visit <a href="http://www.nhs.uk">www.nhs.uk</a>. You can also use NHS app.</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. Information on how long records are kept 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> <p>or speak to the practice.</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>

We may send text messages to patients for various reasons including information or advice.

Majority of the UK adult population use a mobile phone. Most messages take a few seconds to arrive, and the short format keeps messages concise. Details of how text messages can benefit in the health service can be seen on <https://www.nhs.uk/information-governance/guidance/email-and-text-message-communications/>. There are a number of other sources on the internet which can be searched to understand the benefits and uses of text messages in the Health Care sector.

We use the NHS Digital embedded software named **Accunex** developed for primary care, allowing anyone in the practice to send a message to a patient. We also occasionally use MJOG software.

**Accunex** and **MJOG** is used mainly to send texts for various reasons eg. flu letters whereas Chain SMS is used to send individually tailored messages to a single patient via the EMIS clinical record.

## BENEFITS TO THE PRACTICE

Using text messages to contact patients creates benefits for the practice, including:

- Time saving, reducing the amount of time spent phoning a patient or sending a letter.
- Cost saving, reducing the spend on postage, paper, paper and printer toner.
- Improved access, avoiding inappropriate appointments (e.g. normal results) and signposting to local services
- Improved QoF, screening and immunisation performance, by sending invitations and reminders.
- Engaging 'hard to reach' patients, who may ignore postal letters or calls from an 'Unknown' phone number.
- Supporting efficient ways of working, for example in enhancing telephone consultations.
- Audit trail, documenting any safety netting advice and patient information given.
- Standardisation, enabling a common and efficient approach to working, for example in how blood results are reviewed and actioned.
- Admin reduction, as patients can be contacted directly, without the need to task a member of the admin team.

## BENEFITS TO PATIENTS

Using SMS messages to contact patients creates benefits for the patients, including:

- Patient education, providing information leaflets and self-care guidance
- Convenience, avoiding the need to wait for a phone call to answer a simple question
- Immediacy, receiving correspondence immediately rather than waiting for a letter
- Safety, allowing prompting of overdue investigations when issuing repeat prescriptions
- Experience, for example letting a patient know that their prescription is ready to collect
- Improved access, avoiding inappropriate appointments
- Adherence, when providing a clear documented care plan and health goals that can be referred back to
- Improved communication, making it faster, cheaper and easier to inform the patient

## RESPONSIBLE INDIVIDUALS

The Practice Manager and Caldicott Guardian are responsible for overseeing the use of text messages at the practice, embedding use within normal ways of working and using the service to improve patient care and experience. Any questions and concerns should be directed to them.

## STAFF ACCESS

All staff in the practice, both clinical and administrative have access to text messages. This also includes temporary staff such as locums and subcontracted staff such as locum GPs.

## SUPPORT

Most support questions can be answered by visiting [support accurx.com](https://support accurx.com), and this should be attempted in the first instance. If an issue remains unresolved, users can email [support@accurx.com](mailto:support@accurx.com), use the Live Chat at [www.accurx.com](https://www.accurx.com) or call 020 7099 2279.

## MJOG

Again, most support questions can be answered by visiting the support centre <https://support.mjog.net/display/MKB/>

## USAGE

### Message content

We do not guarantee that a message has been read by the intended recipient, therefore:

- **Messages containing critical information should not be relied upon** (e.g. abnormal blood results requiring immediate action), in these situations:
  - We may contact you by phone or letter in addition to the text message to ensure that critical care needs are provided.
- **Staff should avoid sending sensitive information**, We may send a text message with sensitive information which may be viewed by a relative, friend or colleague or any person.

Please note that if you are not happy receiving the text messages, you must speak to us and complete an opt out form giving us instructions that you do not wish to receive information by text messages.

### Use cases

For full flexibility, any SMS message can be sent to you. We encourage our staff to use their individual judgement of what is appropriate. For guidance, examples are given below:

- **Appropriate Messages**
  - Administrative information e.g. prescription ready to collect
  - Care plan sent in a consultation e.g. dosing of new medication
  - Recall e.g. advising the patient to book an appointment
  - Advice and safety netting sent in a consultation e.g. link to NHS Choices information or MSK exercise videos
  - Signposting to third-party services in a consultation e.g. exercise classes
  - Normal test results e.g. Chest x-ray normal
  - Some abnormal results e.g. Low Vitamin D, with advice for sun exposure and OTC supplements
  - Telephone information e.g. you tried to call but could not reach them, or will be calling
  - Reminders e.g. for cervical screening or overdue blood tests
  - Follow-up e.g. checking a patient has received a hospital letter after a referral
- **Inappropriate Messages**
  - Worrying, complex or sensitive test results e.g. STI test or high PSA
  - Long or complex messages e.g. multiple medication changes
  - Links to sensitive patient advice without consent e.g. family planning advice
  - Signposting to third-party services without consent e.g. Macmillan contact details
  - Critical information without follow-up e.g. urgent appointment required

### Sending Times

We will endeavour to send you the text messages between surgery times, unless it is felt appropriate otherwise (e.g. patient awaiting an urgent prescription before their holiday). Recognising that admin work is often done during these hours. You should understand that whilst we will endeavour to send you message within surgery times, we have no control over the software used and it might be delayed/lost in the transmission.



## **Delivery Reports**

If we become aware of a message shown as undelivered, a further attempt will be made to send the same message again. If this is again unsuccessful then either a telephone call or letter will be undertaken with the same content as used in the text message and the failure should be coded into the patient's notes using the appropriate code for Failed Encounter – SMS Text Message Delivery Failure.

It is imperatively important that you inform us of any change of mobile phone numbers. We advise you regularly check the details of your phone number and address to ensure that we are holding updated details on you.

## **Tone Impact Analysis**

We will endeavour to phrase the messages professionally, but messages does not offer the same level of formality as a letter. Text abbreviations (e.g. 'thnx', 'u') are sometimes may be used by staff, and the spell-check functionality in SMS can sometimes by impaired. We will make every effort to minimise the tone impact but it can occasionally happen.

## **INFORMATION GOVERNANCE**

### **Phone Number Confirmation**

It is important that patients keep their mobile numbers and other details up-to-date. The Reception Team should verify a patient's mobile number at any opportunity when speaking to a patient. Other members of the team should opportunistically update mobile numbers, for example confirming a mobile number before sending patient advice at the end of an appointment.

### **Data Processing**

Text messages should only be sent for the delivery and administration of health and care services. They must not be used for marketing third-party services, or any other reason that a patient would not reasonably expect.

It is the responsibility of the patient to advise the Practice if their mobile number changes or it is no longer in their possession. In order to protect patient confidentiality it is the patient's responsibility to be aware that others may have access to their mobile; that messages can be displayed on a mobile's locked screen which may allow others to read them and that mobiles can be connected to other devices allowing messages to be received on them independently.

AccuRx Ltd follows NHS Digital best-practice guidance on the use of cloud services. Further information on this guidance can be found at:

<https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/nhs-and-social-care-data-off-shoring-and-the-use-of-public-cloud-services>

## **GDPR**

In accordance with The General Data Protection Regulation (EU 2016/679):

Personal data is processed under the following legal basis for the purposes of direct care and the administration of health and care services:

*6(1)(e) '...for the performance of a task carried out in the public interest or in the exercise of official authority...'*

Personal data concerning health is processed under the following legal basis for the purposes of direct care and the administration of health and care services:

*9(2)(h) '...medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems...'*

Personal data concerning health is processed under the following legal basis for the purposes of public health:

*9(2)(j) '...necessary for reasons of public interest in the area of public health...or ensuring high standards of quality and safety of health care and of medicinal products or medical devices...'*

Further guidance on GDPR and the legal basis for data processing can be found at:

<https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/information-governance-alliance-iga/general-data-protection-regulation-gdpr-guidance>

## **Opt-Out**

'Consent' is not used as a legal basis for data processing, and therefore messages are sent on an 'opt-out' basis. If a patient informs the practice that they do not wish to receive SMS messages, a member of staff will update their 'Notification Preferences'. Chain SMS will show any codes related to consent and dissent when sending a message.

The Practice however will endeavour to code patients with an appropriate code to indicate that they:

- Give consent for communication by SMS text messaging
- Give consent to receive test results by SMS text messaging
- Declined consent to receive test results by SMS text messaging

It is the responsibility of the patient to inform the Practice if they no longer wish to participate in receiving text messages alerts.

## **CONTINUOUS IMPROVEMENT**

To fully embed SMS messaging as a way of working, and maximise the benefits for the practice, staff and patients the Practice Manager or any delegated deputy is responsible for leading improvement initiatives, and other staff are strongly encouraged to participate. These include:

- Practice meetings – for example presenting usage across the team and asking top users to share what they use SMS messaging for
- PPG meeting – gathering patient feedback on the service and identifying other opportunities to provide a better patient experience using SMS messaging
- Custom templates – developing the library of practice SMS templates, and relating these to other practice protocols (e.g. care navigation, test results, self-care)
- Audits – running reports to audit the mobile number coverage of the patient list, and reviewing the types of messages sent

## **Best Practice**

- **SMS-first.** Whenever contacting a patient, ask if you could send an SMS instead to make it faster and more convenient
- **Update numbers.** Whenever you get the opportunity, confirm and update a patient's mobile number.
- **Clarify the recipient.** If you're sending a message to a shared mobile, make clear who it's for.
- **Send patient leaflets.** At the end of an appointment, share resources with the patient that they can use to self-care. You can use the built-in NHS Choices search.
- **Be concise.** Don't send lengthy messages, they can be hard to digest.
- **Make templates.** If you've written a useful message, copy it and add it to your library of templates for next time.
- **Check for errors.** We all make typos. Have a quick readthrough and look out for spellcheck underlining.
- **Follow-up.** If sending critical information, don't rely on an SMS message, but check that the patient has received and understood it.
- **Share with colleagues.** Tell your colleagues in the practice (and other practices) the great uses you've found for SMS.
- **Innovate.** Come up with new ways to use SMS to improve patient experience, practice efficiency and care quality.