**THE**

**VILLAGE**

**SURGERY**

**DATA PROTECTION POLICY**

**Introduction**

The Village Surgery (“we” or “us”) needs to have a Practice Privacy Policy to demonstrate compliance with the Data Protection Act (DPA) 2018 and the GDPR. This policy is that document. It sets out the general arrangements by which we will be compliant under the various Articles of GDPR and the UK DPA

2018.

The Village Surgery is the term used in this document to describe an NHS general practice operating under contract Herts Valley CCG (HVCCG).

The contract is a GMS contract.

The Data Controller on the date of the adoption of this policy was The Village Surgery.

As an NHS general practice providing services under contract to HVCCG we process personal and special category data relating to our staff and those we treat, registered patients and others, internally and with other organisations external to the practice. We also hold data on other types of customers, suppliers, business contacts and other people we have relationships with or may need to contact.

We are also required by certain laws to disclose certain types of data to other organisations on a regular basis such as NHS Digital, or Public Health England or HVCCG.

We are also required by certain laws to disclose certain types of data to other organisations on an event by event basis, such as CQC or the General Medical Council

These processing activities, and others, are described in detail in our Practice Privacy Notice.

<http://www.thevillagesurgeries.co.uk/info.aspx?p=9>

**Why this policy exists**

We understand that with the advent of modern technologies, and in particular in the age of big data and ever more technical and complex ways to share and communicate digitally, the emphasis of data processing needs to be refocused to a default of protection and move forward only when disclosure is lawful, informed, controlled, and of benefit to the data subject.

For organisations such as The Village Surgery, who want to build patient trust in how they collect and use personal data, the opportunities to improve their organisation and the services they offer, through the GDPR, are enormous.

We are open about how we store and process personal data and protect ourselves from the risks of a data breach.

**General**

This policy applies no matter how the data is stored; electronically as text, documents, images or in tables, on paper or on other materials.

To comply with the law, personal data must only be collected and used fairly, stored safely and not disclosed unlawfully.

Personal data must:

 Be processed fairly and lawfully, in line with the DPA and the Common

Law of Confidentiality (CLC)

 Be obtained only for specific, lawful purposes

 Be adequate, relevant and not excessive

 Be accurate and kept up to date

 Not be held for any longer than necessary

 Processed in accordance with the rights of data subjects

 Be protected in appropriate ways

**Policy scope**

This policy applies to all our staff, clinical and non-clinical, to everyone who works at The Village Surgery

It applies to all the personal data that we process.

**Responsibilities**

Everyone who works for or with us has shared responsibility for ensuring data is collected, stored and handled appropriately. Each person that handles

personal data in this organisation must ensure that it is handled and processed in line with this policy and data protection principles. Some people have key responsibilities

The contract holders are ultimately responsible for ensuring that we meet our legal obligations.

Our Data Protection Officer (Barry Moult) with the support and advice of Hertsvalley CCG GDPR/ Information governance team and our practice GDPR team (Dr Anna Whiteford, Dr Sheetal Purohit and Anita Mixides) are responsible for:

 Keeping the contract holders, partners, doctors and all staff informed about data protection responsibilities, risks and issues, where necessary pre-emptively.

 Providing advice to the data controllers when requested (the DPO does not make decisions).

 Advising on the need for and generation of DPIAs.

 Reviewing all data processing procedures, practices and policies as well as this policy on a regular basis.

 Monitors compliance with the DPA, GDPR, common law, other UK and EU

laws, and the organisations own policies and procedures.

 Arranging appropriate and relevant in-house training for the people covered by this policy.

 Keeping themselves up to date to an appropriate standard in all matters relevant to his role.

 Remaining independent and impartial and ensuring that any conflicts are reported to the partners.

 Handling data protection questions from staff and anyone else covered by this policy

 Acting as the point of contact for data subjects

 Dealing with requests from data subjects relating to their rights under

CLC and GDPR

 Ensuring there is a compliant SAR process

 Checking and approving any contracts or agreements with third parties

that may handle the company’s sensitive data

 Acting as the interface to, or the contact point for, the ICO

 Cooperate with the ICO on GDPR/DPA issues

 Report personal data breaches to the ICO

 Deals with complaints that the ICO receives

 Ensuring that the practice completes the IG Toolkit each year

The information management and technology manager Stuart Daw with practice manager Anita Mixides, and IT provider (Egton) are responsible for:

 Ensuring all systems, services and equipment used for storing data meet acceptable security standards

 Performing regular checks and reviews to ensure security hardware and software is functioning properly

 Liaising with the CCG provided IT infrastructure support services

 Ensuring that cyber security recommendations are implemented and deployed

 Consulting with the DPO on any technical matters relating to GDPR

The Practice manager Anita Mixides is responsible for the implementation of this policy.

**The Village Surgery:**

 will ensure that the DPO and GDPR team have an environment in which they can operate independently and without limitation

 will involve the DPO and GDPR team properly and in a timely manner, in all relevant issues which relate to the protection of personal data, provide support and resources for the DPO and GDPR team to carry out the tasks noted in this policy, including training and knowledge updating

 will ensure that the DPO and GDPR team has time to perform the duties required

 will ensure that the opinion of the DPO and GDPR team must always be given due weight

 will not issue the DPO and GDPR team with any instructions or place any constraints relating to their GDPR role

 will not tell the DPO or GDPR team to take a certain view, instruct them to achieve a certain result, tell them how to investigate a complaint or decide whether they choose to, or is required to, consult with the ICO

 will not be penalised or dismissed for carrying out their tasks

 will allow data subjects to access the DPO and/or GDPR team

 will not allow the DPO or GDPR team to be conflicted by other tasks, jobs or responsibilities he may have, such as tasks, jobs or responsibilities outside of The Village Surgery

 will comprehensively record and thoroughly document any reasons for acting against the advice of their DPO or GDPR team; in those circumstances, and if data processing is to proceed in a manner contrary to the advice of the DPO and GDPR team, any such advice, the reasons, and any DPIA produced will be published for data subjects to view

**Designation of the DPO**

The Village Surgery has been allocated Barry Moult as our DPO, a service commissioned by Herts Valley CCG in August 2019.

**General staff guidelines**

 The practice will provide training to all employees to help them understand their responsibilities when handling data

 Employees should keep all data secure, by taking sensible precautions and following the practices procedures and policies

 NHS smartcards, Passwords and logins must be used whenever possible and they should never be shared or borrowed

 Whenever a screen is left programs that handle patient data should be closed or locked

 Personal data should not be disclosed to unauthorised people, either within the company or externally

 Employees should request help from the practice manager or GDPR team /Caldicott Guardian/ DPO if they are unsure about any aspect of data protection.

 All employees’ new contracts refer them to the staff handbook in which there are privacy and data protection clauses.

**Ongoing maintenance of the policy/ Freedom on Information**

1. Dr Anna Whiteford, Dr Sheetal Purohit and Anita Mixides will be responsible for ensuring that the policy is maintained accordingly.
2. This policy will be available if requested under the FOI Act.

Reviewed

Dr Anna Whiteford and Dr Sheetal Purohit March 2020

Due review March 2021