

## Document Control

### A. Confidentiality Notice

This document and the information contained therein is the property of York Medical Group.

This document contains information that is privileged, confidential or otherwise protected from disclosure. It must not be used by, or its contents reproduced or otherwise copied or disclosed without the prior consent in writing from York Medical Group.

### B. Document Details

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<b>Organisation:</b>	York Medical Group
<b>Document Reference:</b>	Medical Reports Privacy Notice
<b>Current Version Number:</b>	1.1

### C. Document Revision and History

Version	Date	Version Created By:	Version Updated By:	Comments
1.0	08.01.2020	Karey Bennett	Karey Bennett	Reviewed for YMG
1.1	26.04.2021	Karey Bennett	Tom dolman	Updated for YMG – footer removed.

## Privacy Notice – Medical Reports

### Plain English explanation

The practice completes medical reports when requested to do so by the patient or their representative such as solicitors, insurance companies, Department of Works and Pensions, DVLA, Occupational Health and Employers. All requests must be accompanied with the full consent of the patient.

No information is recorded in the medical records and patient care will not be affected by a request for completion of a medical report by themselves or their representatives.

Medical reports are mostly private and a charge will be made for completion. This will be payable before the report is provided.

Reports will be emailed when able or appropriate to do so, otherwise posted or made ready and available for the patient to collect. All emails are in an encrypted format to ensure that security and confidentiality is preserved.

All requests and completed medical reports will be kept for a maximum of 6 months in which time the patient may request sight of the report.

<b>1) Data Controller</b> contact details	York Medical Group
<b>2) Data Protection Officer</b> contact details	Dr David Geddes <a href="mailto:VOYCCG.YMGpostmaster@nhs.net">VOYCCG.YMGpostmaster@nhs.net</a>
<b>3) Purpose</b> of the processing	The processing will take place following a request from the patient or their representative requesting on their behalf with consent.
<b>4) Lawful basis</b> for processing	The legal basis will be Article 6(1)(c) "processing is necessary for compliance with a legal obligation to which the controller is subject."
<b>5) Recipient or categories of recipients</b> of the processed data	The data will be shared with Health and care professionals and support staff in this surgery. The details may also be shared with a Medical Defence Union, the Care Quality Commission and the Parliamentary and Health and Services Ombudsman.
<b>6) Rights to object</b>	You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller or the practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance

7) <b>Right to access and correct</b>	You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.
8) <b>Retention period</b>	The data will be retained in line with the law and national guidance. The complaints policy complies with The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, introduced on 1 <sup>st</sup> April 2009 across health and social care.
9) <b>Right to Complain.</b>	<p>You have the right to complain to the Information Commissioner's Office, you can use this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a></p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)</p>

\* "Common Law Duty of Confidentiality", common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.