

## Privacy Notice – Surgery Connect Telephony System (X-On)

### Plain English explanation

This privacy notice explains about our Telephony System 'Surgery Connect' (X-on). Inbound calls the system will notify you that all telephone calls are recorded for training and monitoring purpose. Outbound calls will also be recorded for the same reason and this information can be found in this notice, displayed on our website and in the surgery. We lawfully do not require your consent; however, you do have the right to terminate the call if you do not wish for the call to be recorded. All calls made to the practice by a registered patient or from the practice to a registered patient, will have the recording attached to the clinical record. All calls made by non-registered patient will be stored securely on the surgery connect system. All data originates from the caller into the practice or the practice dialling out to the recipient.

### Personal data

When a call is recorded we collect:

- a digital recording of the telephone conversation
- the telephone number of both parties (internal and external)
- Personal data revealed during a telephone call will be digitally recorded for example name and contact details to deliver appropriate services.
- Occasionally 'special category' personal information may be recorded where a customer voluntarily discloses health, religious, ethnicity or criminal information to support their request for advice and/or services.
- Telephone call recording will be turned off, when a customer's credit or debit card details are given, in line with Payment Card Industry Data Security Standards (PCS DSS) and data protection legislation including General Data Protection Regulations ('GDPR').

People who have access to your information will only normally have access to that which they need to fulfil their roles.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

1. Data Controller Contact Details	City Way Medical Practice, 65-67 City Way, Rochester, Kent, ME1 2AY. 01634 843351
2. Data Protection Officer	<b>Rachel Adams</b> <b>GP Data Protection Officer (DPO)</b> NHS Kent and Medway Clinical Commissioning Group Unit A, Compass Centre North, Pembroke Road, Chatham Maritime, Kent, ME4 4YG Mobile: 07766 997930 Tel: 01634 335212 Email: <a href="mailto:Rachel.adams1@nhs.net">Rachel.adams1@nhs.net</a> Generic email: <a href="mailto:kmccg.northkentgpdaprotection@nhs.net">kmccg.northkentgpdaprotection@nhs.net</a>

<b>3. Purpose</b> of the processing	Direct Health Care – To enable a safe two way communication between patient and Surgery.
<b>4.Lawful basis</b> for processing	<p>The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions 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...'</i></p> <p><i>Article 9(2)(b) 'Carrying out of obligations under employment, social security or social protection law, or a collective agreement'</i></p> <p><i>Article 9(2)(c) 'Vital interests of a data subject who is physically or legally incapable of giving consent'</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>5. Recipient or categories of recipients</b> of the processed data	Data is accessible by the Practice as the Data Controller for this information. Information may be accessed remotely by the supplier for support purposes. Making recordings available for the Practice, patients and other data subjects may request this.
<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
<b>7. Right to access and correct</b>	You have the right to access the data that is being stored and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.
<b>8. Retention Period</b>	The recording data will be retained for 36 months on the Telephony System before deletion. The recording in

	connection to a registered patient will be attached to the medical record and therefore be subject to the Records Management code of Practice for Health and Social Care 2016. Retained until 10 years after death.
9. Right to Complain	<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>

\* "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
- Categories of Personal Data
  - race;
  - ethnic origin;
  - political opinions;
  - religious or philosophical beliefs;
  - trade union membership;
  - genetic data;
  - biometric data (where this is used for identification purposes);
  - health data;
  - sex life; or
  - sexual orientation.

Personal data can include information relating to criminal convictions and offences. This also requires a higher level of protection.

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/what-is-personal-data/what-is-personal-data/>