



DUNLOP
ORTHOPAEDICS

Privacy Notice

-Dunlop Orthopaedics Ltd

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Introduction

Dunlop Orthopaedics Limited [The Practice] is registered with the Jersey Office of the Information Commissioner (JOIC) under the requirements of the Data Protection (Jersey) Law 2018 (the Law)¹. The Practice is registered as a data controller (Notification Number 62180) as we collect and process information about you. This Privacy Notice explains what information we collect about you, how we store this information, how long we retain it and with whom and for which legal purpose we may share it.

This notice explains how we use and share your information. Information may be collected; on a paper or online form, by telephone, email, or by a member of our staff.

Why we collect personal information about you

To enable you to receive the best possible healthcare from us, the administration and clinical team need to collect and maintain information about your health. We may use your information for the following reasons:

- stay in touch with you;
- verify you are who you say you are;
- provide treatment and enable medical care;
- answer your query and investigate complaints, relating to service provision and standards;
- ensure that we meet our legal obligations;
- prevent and detect crime;
- process financial transactions including charges, where they apply;
- protect individuals from harm or injury;
- assure the quality of data and ensure that records are matched accurately;
- allow the statistical analysis of data so we can plan the provision of services and monitor the services provided;
- review the care we provide through audit, service improvement, and patient satisfaction surveys;
- refer you to another care provider, such as Health and Community Services (HCS);
- request tests and receive results from external testing providers, such as HCS Pathology and Radiology;
- support the funding of your care eg from insurance providers
- train and educate healthcare professionals;
- report and investigate complaints, claims and untoward incidents;
- report events to the appropriate authorities, such as the GMC, when we are required to do so by code of practice, or by law.

¹ <https://www.jerseylaw.je/laws/enacted/PDFs/L-03-2018.pdf>

What personal information we collect and how it is managed

The personal information and 'special category data' we collect about you includes:

- Name
- Date of birth
- Gender
- Address
- Telephone number
- Email address
- Bank account details (where charges/refunds apply)
- Insurance details (where relevant)
- Medical history and diagnoses
- Test results
- Next of kin information
- Correspondence and communication, via email, telephone calls and letters

We retain the following information only if clinically relevant:

- Family, lifestyle and social circumstance
- Physical and/or mental health or condition
- Racial or ethnic origin
- Religious or other beliefs of a similar nature
- Sexual life
- Non-binary or gender expression

We will collect information about you from a variety of sources:

- Registration forms
- Referral details, such as a GP referral letter from our clinical or administration team
- Other third party healthcare providers
- Hospitals, mainly Jersey General Hospital
- Directly from you or your authorised representative
- Insurance providers

This personal information may be held in a variety of formats, including:

- Paper records (however this is very limited as The Practice operates as a 'paperless' practice)
- Electronically on computer systems
- Pictures/photos (only with additional consent)
- Videos (very rarely and only with additional consent)
- Audio files (very rarely and only with additional consent)

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Where possible, we anonymise or pseudonymise your personal information to protect patient confidentiality, unless there is a legal basis that permits us to use it, and we will only use or share the minimum information necessary.

How we use the information about you

We will use the information you provide in a manner that conforms to the Data Protection (Jersey) Law 2018.

We will endeavour to keep your information accurate and up to date and not keep it for longer than is necessary. In most instances professional standards and the law sets the length of time information must be kept. If you would like to see our retention schedules for more detail about how long we retain your information, please contact us via email.

We may not be able to provide you with a service unless we have enough information.

It is considered good medical practice to share clinical information with Jersey General Hospital/Health and Community Services (HCS). This is because it is the only secondary care provider in Jersey and in emergency situations for instance, access to your private medical records can be helpful to your care. Please make sure you inform us via email if you do not want medical information shared with Jersey General Hospital.

We will not disclose any information that you provide 'in confidence', to anyone without your permission, except in the few situations where disclosure is required by law, or where we have good reason to believe that failing to share the information would put someone else at risk. You will be told about this unless there are exceptional reasons not to do so.

Our legal basis for processing your personal information

Any personal information we hold about you is processed for the purposes of the following articles of the Data Protection (Jersey) Law 2018:

- Employment and Social Fields (Article 8)
- Medical Purposes (Article 15)
- Public Health (Article 16)

What we do with your personal information

We use your records to:

- Directly, manage and deliver healthcare to you;
- ensure that the staff involved in your care have accurate and up to date information;
- assess and advise on the most appropriate care for you;
- improve the quality and type of care you receive;

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- ensure appropriate information is available if you see another healthcare professional, or are referred to a specialist or HCS, or other health provider in Jersey, UK or elsewhere.

Data sharing

We will not pass any personal data on to anyone outside of the Practice, other than those who either process information on our behalf, provide you with health care or because of a legal requirement. Where sharing is appropriate, we will only do so after we have ensured that sufficient steps have been taken by the recipient to protect your personal data.

We may need to pass your information to other health providers or organisations to fulfil your request for a service. These providers and organisations are obliged to keep your details securely, and only use your information for the purposes for which it has been provided. If you are having an operation at Jersey General Hospital, we will need to pass any clinically relevant information to the hospital to ensure continuity of care.

We may disclose information where it is necessary, either to comply with a legal obligation, or where permitted under other legislation. Examples of this include, but are not limited to; where the disclosure is necessary for the purposes of the prevention and/or detection of crime; for the purposes of meeting statutory obligations; or to prevent risk of harm to an individual.

When we need to transfer your information outside of Jersey we will only do so if we have a legal basis, or failing that we will seek your consent and only if we are reassured that your information is still secure when transferred.

Transferring information to countries within the European Economic Area (EEA) is seen as relatively safe because these countries have strong data protection laws in place.² There is a list of countries outside of the EEA that are also deemed safe. If we need to transfer your information outside of the EEA or to a country which is not on the list of safe countries, we will take extra steps to keep your information safe.

At no time will your information be passed to organisations for marketing or sales purposes or for any commercial use without your prior express consent.

² <https://jerseyoic.org/media/wdqn04ap/joic-international-transfers-guidance-note.pdf>

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The Caldicott Principles

The decision for the Practice to share data is informed by the Caldicott Principles³, a framework for determining ethical and appropriate processing.

When making decisions about how and why we use and share data, we consider whether:

- the purpose of the processing can be justified; is the requirement clearly defined and documented
- it is necessary to use the data
- we need to identify individuals
- we are using the minimum necessary information to fulfil the purpose
- the people processing the data 'need to know'
- everyone involved is aware of their responsibilities and obligations
- the processing of the data complies with relevant privacy legislation
- the duty to share for care and treatment is as important as the duty to protect patient confidentiality
- we are adequately informing you about how your data is used and the reasons why

Who we share your personal information with and why

We may share relevant personal and special category information with other health providers and external organisations. We may share your information for healthcare purposes with:

- HCS
- NHS UK
- Customer and Local Services ('sick notes')
- Ambulance services
- Private consultants
- External secondary or tertiary care providers

Publication of your information

We may, on very rare occasions, need to publish your anonymised information on our website and/or in the Jersey media for the following reasons:

- where we are required by law to publicise certain information
- in the interests of demonstrating a fair and transparent decision making process
- where we are required to provide statistical information about a group of people, although your data will be anonymised to protect your identity

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https://assets.publishing.service.gov.uk/media/5f9b92d3bf7f5d0bb8bb13/Eight_Caldicott_Principles_08.12.20.pdf

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- where you have responded to a public consultation, although your comments will be anonymised to protect your identity

We will not publish any of your sensitive personal information unless there is a requirement for us to do so in order to carry out our legal obligations.

Other data sharing

We will not disclose any health information to third parties who are not enabling care and treatment, without your explicit consent, unless there are circumstances, such as when the health or safety of others is at risk or where current legislation permits or requires it.

There are occasions where the Practice may be required by law to share information provided to us with other bodies responsible for auditing or administering public funds, to prevent and detect fraud.

Transferring information to countries within the European Economic Area (EEA) is seen as relatively safe because these countries have strong data protection laws in place. There is a list of countries outside of the EEA that are also deemed safe. If we need to transfer your information outside of the EEA or to a country which is not on the list of safe countries, we will take extra steps to keep your information safe.

The Practice is required to protect your personal information and inform you of how your personal information will be used.

How we maintain your records

We hold and process your information in accordance with the Data Protection (Jersey) Law 2018 and where appropriate the General Data Protection Regulation. In addition, everyone working for our Practice must comply with the Contractual Duty of Confidentiality and various national and professional standards and requirements.

We have a duty to:

- maintain full and accurate records of the care we provide to you
- keep records about you confidential and secure
- provide information in a format that is accessible to you

Electronic Communications

Some services in the Practice provide the option to communicate with patients via:

- email
- SMS text
- other electronic communications

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The Practice cannot guarantee the security of this information whilst in transit, and by requesting this service you are accepting this risk.

Emails

If you email us, we may keep a record of your email address and a copy of the email for record keeping purposes.

We will not share your email address, or your email contents unless it is necessary for us to do so; either to:

- fulfil your request for a service
- comply with a legal obligation
- where permitted under other legislation

Telephone calls

We do not record or monitor any telephone calls you make to us using recording equipment, although if you leave a message on our voicemail systems your message will be kept until we are able to return your call or make a note of your message. File notes of when and why you called may be taken for record keeping purposes.

We will not pass on the content of your telephone calls, unless it is necessary for us to do so; either to:

- fulfil your request for a service
- comply with a legal obligation
- where permitted under other legislation

Your rights

If we need to use your personal information for any reasons beyond those stated above, we will discuss this with you and ask for your explicit consent. The Data Protection (Jersey) Law 2018 gives you certain rights, including the right to:

Right to Access

Request access to the personal data we hold about you, e.g. in health records. If you wish to access your records, please contact us directly via email.

Right to accuracy

Request the correction of inaccurate or incomplete information recorded in our health records, subject to certain safeguards.

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Right to restrict

You have the right to request that we restrict the processing of your personal information. You can exercise this right in instances where you believe the information being processed is inaccurate, out of date, or there are no legitimate grounds for the processing. We will always seek to comply with your request but we may be required to continue processing your information to comply with a legal requirement, to deliver medical care.

Right to withdraw consent

Where you have been asked to give your consent to process your information, you have the right to withdraw your consent to the further processing of your personal data. However, this may cause delays or prevent us delivering a service to you.

We will always seek to comply with your request but we may be required to hold or process your information in order to comply with a legal requirement, to deliver medical care.

Under the Data Protection (Jersey) Law 2018, we are authorised to process data for the purposes of:

- Employment and Social Fields (Article 8)
- Medical Purposes (Article 15)
- Public Health (Article 16)

Your consent is only required if we intend to share your health records beyond these purposes, as explained above (e.g. research).

Right to portability

You can request your personal information to be transferred to other providers.

Right to object

You have the right to object to us processing your data, preventing us from using it. However, this right applies only when we are processing your data for:

- a task carried out in the public interest
- an exercise of official authority
- our legitimate interests
- scientific research
- statistical purposes
- direct marketing purposes

Complaints

If you have an enquiry or concern regarding the Practice processing your personal data you can contact us via email: kate@dunlopoorthopaedics.com.

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You can also complain to the Jersey Office of the Information Commissioner about the way your information is being used.