

## Fair processing notice guidance

Under the [Data Protection Act](#) your practice is required to process personal data fairly and lawfully. The methods by which these processes are governed and explained to patients are known as 'fair processing'.

The General Data Protection Regulation (GDPR) 'right to be informed' encompasses the obligation to provide fair processing information, typically through a privacy notice. It emphasises the need for transparency over how you use personal data and for privacy notices to be easily assessable.

Fair processing includes:

- telling patients about what type of information you will collect, how you intend to use it and who you may share it with
- providing assurance to patients that their data will be safe, confidential and used appropriately if they share it with you
- enabling patients to opt out of sharing their data and making them aware of their rights

The attached exemplar privacy notice has been developed in line with ICO guidance and NHS England's fair processing checklist and guidance for GPs and should be adapted/localised as follows:

- use a title which is meaningful to patients such as "How we use your information"; "Protecting your confidentiality" or "Privacy Notice".
- update the contact details on page 7 before making the privacy notice available.
- add details of any data processing that may be unique to your practice/locality e.g. if you are an Oxford University College Doctor practice or in an Oxfordshire GP Federation – see *example additional data processing text below*
- consider user testing your privacy notice with your Patient Participation Group members prior to publication
- give thought to providing the information as a layered notice (i.e. with links to individual sections of the notice)
- make the privacy notice easily assessable on your website and in your reception area

**Example additional data processing text – for adding to your privacy notice if relevant to your practice**

### GP Federation Services

As a member of the [insert your locality] Federation we work with other local practices and Federation-managed services to provide joined up healthcare. Authorised healthcare staff who are involved in your health care are able to access relevant information in your GP record. Some clinicians are also able to add consultation details to ensure your record is updated as soon as possible. Access is strictly controlled by your practice.

**For inclusion by Oxford University College Doctor practices only:****Oxford University College Nurse Service**

Many Oxford University students and staff are able to access a College Nurse for health advice and support. To ensure a safe and joined-up service, the College Doctor and College Nurse both view and record your information in the same electronic record, using a secure clinical system called EMIS Web. The College Nurse views and records information about your health through an NHS-approved virtual private network (VPN), which provides an approved, secure connection to the College Doctor practice's records system. The information is then stored in your NHS GP electronic patient record, so it can be accessed by both your College Nurse and your GP when needed. If you have any concerns about this, please discuss them with your College Doctor practice.

The College Nurses will not share any of your medical information with other College or University staff without your permission other than in exceptional circumstances (e.g. if you are unable to consent or deemed to be at risk of serious harm).

**Medical student placements**

Our practice is involved in the training of medical students. As part of this programme medical students will work in the practice and may be involved in your care. If staff would like a student to be present they will always ask for your permission before the start of the consultation. The treatment or care you receive will not be affected if you refuse to have a student present during your appointment.

It is usual for GPs to discuss patient case histories as part of their continuing medical education or for the purpose of training GPs and/or medical students. In these situations the identity of the patient concerned will not be revealed.

**Further guidance**

Information Commission Office (ICO) <https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notices-transparency-and-control/>

Privacy notices under the EU General Data Protection Regulation <https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notices-transparency-and-control/privacy-notices-under-the-eu-general-data-protection-regulation/>

NHS England <https://www.england.nhs.uk/ig/ig-fair-process/fair-process-gps/>

If you have any questions or need help with fair processing please contact:

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