

Privacy Notice – Recording telephone calls (GDPR) 2018

Plain English explanation

We record our telephone calls for two reasons, firstly to protect patients and staff and other health workers. Patients are protected by our having a record of our conversations with you, staff and other health workers are protected from potential abuse. Secondly we record some calls or other audio visual communications such as Skype calls, because they can contain clinical information that can become part of your medical records. We also occasionally use recordings for staff training and quality control.

When you register with us we will make this clear to you and we will also make this clear to you each time you contact us and via our web site and other sources of information.

Telephone call recordings are routinely deleted every six months/will not be held longer than six months *unless it is required as part of a complaint/s management.

Calls, or transcripts of calls, audio or audio-visual recordings or elements of the discussion you have with the clinicians that contain clinical information may be added to your medical records, but this will be clarified with you at the time.

The telephone recordings are stored on a password protected PC and are protected by NECS IT firewall and anti-virus software.

These recordings will *not usually be shared outside the practice.

If we hold recordings that have not been deleted you can ask for copies by writing to the Data Protection Officer or the Practice Manager.

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

The Practice does not have an audio-visual consultation system at this point in time.

1) Data Controller contact details	Pinfold Medical Practice, Pinfold Lane, Butterknowle, Bishop Auckland DL13 5NX
2) Data Protection Officer contact details	Mr Andrew Dowson, DPO @ Durham Dales Health Federation (DDHF), c/o Station View Medical Practice, Bishop Auckland.
3) Purpose of the processing	To facilitate your access to care and in the case of telephone or other audio visual consultations for your direct care.
4) Lawful basis 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)(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>

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	We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*
5) Recipient or categories of recipients of the processed data	Necessary data will be shared with Health and Care professionals and support staff in this surgery. Actual telephone recordings will not be shared with anyone outside the practice unless it is part of a complaint/s management process. Please see our Privacy Notice for Direct Care.
6) Rights to object	You have the right to object to some or all the information being processed under Article 21. Please write to the Data Controller or the DPO. 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) Right to access and correct	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) Retention period	We will keep telephone recordings upto a maximum of six months. Clinical data transcribed from your telephone or other electronic consultations becomes part of your clinical record and is retained according to relevant rules and regulations, see Privacy Notice on Direct Care.
9) Right to Complain.	You have the right to complain to the Information Commissioner’s Office, you can use this link https://ico.org.uk/global/contact-us/ or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)

* “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.