**MOUNT ORIEL MEDICAL PRACTICE**

**Privacy Notice – Public Health**

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| Public health encompasses everything from national smoking and alcohol policies, the management of epidemics such as flu, the control of large scale infections such as TB and Hepatitis B to local outbreaks of food poisoning or Measles. Certain illnesses are also notifiable; the doctors treating the patient are required by law to inform the Public Health Authorities, for instance Scarlet Fever.  This will necessarily mean the subjects personal and health information being shared with the Public Health organisations.    Some of the relevant legislation includes: [the Health Protection (Notification) Regulations 2010 (SI 2010/659)](http://www.legislation.gov.uk/uksi/2010/659/contents/made) [the Health Protection (Local Authority Powers) Regulations 2010 (SI 2010/657)](http://www.legislation.gov.uk/uksi/2010/657/contents/made),[the Health Protection (Part 2A Orders) Regulations 2010 (SI 2010/658)](http://www.legislation.gov.uk/uksi/2010/658/contents/made), [Public Health (Control of Disease) Act 1984](https://www.legislation.gov.uk/ukpga/1984/22), [Public Health (Infectious Diseases) Regulations 1988](http://www.legislation.gov.uk/uksi/1988/1546/contents/made) and [The Health Service (Control of Patient Information) Regulations 2002](http://www.legislation.gov.uk/uksi/2002/1438/regulation/3/made) | |
| 1**) Data Controller** contact details | Mrs Roberta Walsh, Practice Manager, Mount Oriel Medical Practice, Knockbreda Centre, 110 Saintfield Road, Belfast BT8 6GR Tel: 028 9070 1653 |
| 2**) Data Protection Officer** contact details | Dr Sean Devine, Mount Oriel Medical Practice, Knockbreda Centre, 110 Saintfield Road, Belfast BT8 6GR Tel: 028 9070 1653 |
| 3) **Purpose** of the sharing | There are occasions when medical data needs to be shared with the HSC Public Health Agency, either under a legal obligation, or for reasons of public interest. |
| 4) **Lawful basis** for processing or sharing | The legal basis will be  Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject.”  And  Article 9(2)(i) “processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices,..” |
| 5) **Recipient or categories of recipients** of the shared data | The data will be shared with the HSC Public Health Agency <http://www.publichealth.hscni.net/> |
| 6) **Rights to object** | You have the right to object to some or all of the information being shared with the recipients. Contact the Data Controller or the practice. |
| 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** | The data will be retained for active use during the period of the public interest and according to legal requirements and NIO’s criteria on storing identifiable data <https://www.gov.uk/government/organisations/northern-ireland-office/about/personal-information-charter> |
| 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)  The Information Commissioner’s Office – Northern Ireland 3rd Floor 14 Cromac Place,  Belfast BT7 2JB  Telephone: 028 9027 8757 / 0303 123 1114 Email: [ni@ico.org.uk](mailto:ni@ico.org.uk) |

\* “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.