

## **General Data Protection Regulation**

### **Privacy Policy: Dr Simon Chapman**

*I promise to keep any data you share with me during our sessions together safe and secure. I promise not to share it with anyone else unless I have a professional or legal obligation. When attending for a consultation in person or by other means you give me permission to collect information concerning your health along with other data which is necessary to deliver my services.*

## Introduction

The **Data Protection (Jersey) Law 2018** provides important personal information rights. The Jersey Law places obligations on how both the public and private sectors process personal information.

The Jersey Office of the Information Commissioner is part of the **Jersey Data Protection Authority**. It is the independent office responsible for overseeing the **Data Protection (Jersey) Law 2018** and the **Freedom of Information (Jersey) Law 2011**.

The **Data Protection (Jersey) Law 2018** gives important rights including (but not limited to) the right to know what information is held about them, how that information is going to be handled, and the right to request correction of their information.

The Data Protection Law in Jersey helps to protect the interests of individuals by obligating organisations to manage the personal information they hold in a fair, lawful and transparent way, as well as being accountable to their customers and to themselves for their actions.

### Dr Simon Chapman: Private Medical Consultations

I am responsible for protecting your privacy and personal information you share with me following a referral, consultation and subsequent follow up and management.

For this purpose, under GDPR, I would be a 'data controller' which means I am responsible for taking measures to ensure your data is safe and for policies on such things as how long data is kept and who if any, I might share it with.

This notice explains the kinds of personal data I may collect about you and that are necessary for us to work effectively together. It also explains how I store and handle the data and how I keep it safe.

It is important to understand a few terms. "Personal data" is information that identifies you, it will also be information about your problems and progress and will include any notes I make about our meetings.

"Processing" your data includes various activities using your data. These may include collecting, recording, organising, using, disclosing, storing and deleting it.

"Conditions for processing data" is essentially my justification for processing the information. I will for example ask you for your consent for me to process your data when communicating or referring to other healthcare professionals.

The law requires me to:

- To process your data in a lawful, fair and transparent way – I promise to always be clear about what data I am processing and why;
- To only collect your data for explicit and legitimate reasons – I can only collect your data that is with reference to your medical condition;
- To only collect data that is relevant, and limited to the purpose(s) I have told you about – I won't record any data that isn't directly relevant to your condition;

- To ensure that your data is accurate and up to date – I am required to ensure data is up to date, I or administration staff may check with you from time to time to make sure of this;

The following sections should answer any questions you have but if not, please let me know.

It is likely that I will need to update this Privacy Notice from time to time, and you are welcome to come back and check this at any time on my website or contact me by any means shown below.

**How your data is collected, processed, and stored.**

As a Substantive Consultant at the Jersey General Hospital, I utilise the hospital systems to maintain your data on an Electronic Patient Record (EPR) known as MAXIMs. MAXIMs has been adopted and implemented as the main hospital EPR across the majority of HCS services.

When attending a Consultation your information is collected or verified by a member of the hospital administration staff who are appropriately trained in data handling.

With data entry on MAXIMs you can be assured that the system has been validated and approved for the secure management of health data. Should you wish to review the data handling policies then please contact me.

The law requires me to:

- To ensure that your data is only kept as long as necessary for the purposes I have told you about – I follow the HCS policies on keeping information after which it will be securely deleted.
- To ensure that appropriate security measures are used to protect your data – by using MAXIMs EPR I benefit from HCS and Government of Jersey digital security arrangements and procedures.

## Conditions for processing your data.

The law on data protection sets out a number of different conditions or justifications for which an organisation or individual may collect and process your personal data. Most commonly, I will process your data on the following lawful grounds:

### 1. Your explicit consent.

Typically, when referring to other specialists or Allied health Professionals such as Physiotherapist, Radiologists or other medical professionals.

However, in some situations, I may collect and process your data without your explicit consent.

- I may discuss your case with Multi-disciplinary teams to assist in diagnostic or management decisions.
- If applicable I will from time to time write to your referrer with a summary of your treatment and progress.

### 2. Potential contractual obligations.

Your health insurance provider may request information relating to your consultation for billing arrangements. By seeking and attending a consultation paid for by a Health insurance policy you agree to the use of information relating to billing conditions, on the basis that the minimum dataset will be used and standard diagnostic and procedural codes will be used where possible.

### 3. Vital use of data

I may also use your data, typically in an emergency, where this is necessary to protect your life, or someone else's life. In a small number of cases where other lawful bases do not apply, I will process your data on this basis and in your best interest.

I do not discuss your personal information with third parties. However, if my professional opinion was that there was an immediate and serious risk of harm then I may have to share your personal information with a third party such as your GP or the emergency services without first obtaining your consent. This might be because it is not practically possible to obtain your consent.

In situations where I did have to share your personal information with third parties to protect you or another, I will only share your personal information in so far as it is relevant and necessary. I will inform you what personal information I have shared and to whom.

### 4. Legal Obligation

It is possible that your personal information may be requested by the Police, a Court of Law, Coroners Office or Professional Body in which circumstances I have no option but to comply with the law.

### 5. Legitimate Interest

In some circumstances, I may require your data to pursue my legitimate interest in a way which might reasonably be expected as a Medical Specialist, such as in Medical appraisal. When I do process data in this way, I will make sure there isn't a chance of any impact on your rights, freedoms or interests. I will never use my Legitimate Interest to process your sensitive data such as your Medical case notes.

**How I might collect your data:**

I collect your data in different ways that may include, but are not limited to:  
When you attend an appointment.  
When you access or engage with our website.

I collect personal data to deliver my services. The data collected is most likely in electronic format but can on occasion be in paper form. When on paper, where relevant, this is transcribed into the electronic patient record and then disposed of through confidential waste processing.

For your security, we use all HCS appropriate organisational and technical security controls to safeguard your data.

**I am committed to your data protection rights.**

You have important rights detailed in the GDPR and the Data Protection Act 2018, here's a brief explanation of them.

**Right to Object**

You have the right to object to my processing or use of your personal information. But remember in some cases I am bound by law to process your data. If you have given consent for me to collect and process your personal data, you have the right to change your mind at any time and to withdraw that consent.

**Right to a copy of your information and a chance to correct inaccuracies.**

You have the right to request a copy of any information about you that I/ HCS may hold at any time to check whether it is accurate. To ask for that information, please contact me in the normal way. To protect the confidentiality of your information and the interests we will ask you to verify your identity before proceeding with any request for information. If you have authorised a third party to submit a request on your behalf, we will ask them to prove they have your permission to request such information.

**Right to be informed**

You have a right to be informed, to know what I am doing with your data and why. I promise to publish privacy notices wherever they may be required to clearly explain the reasons.

**Right to Restriction**

You have the right to ask me to stop processing your data for a number of different reasons. For example, it might be because you think the data I hold about you is incorrect. Or maybe you think I am doing something wrong. Please contact me for further details.

### **Your right of Portability**

If I hold information about you and you want me to 'port' it or send it to another organisation that does similar work to me or provides a similar service, you can ask me to do this. This service will be free of charge, and we will endeavour to provide this service without due delay.

### **Data retention and how long I may keep information**

Whenever I collect or process your personal data, I will only keep it for as long as is necessary for the purpose for which it was collected. I keep your personal information and the record of our work together for six years. I then erase your records.

### **How to complain about our processing of your data**

The **Data Protection (Jersey) Law 2018** gives citizens important personal information rights. The Jersey Law places obligations on how both the public and private sectors process personal information.

If you feel that your data has been handled incorrectly, or you are unhappy with the way I have dealt with your query regarding the way I use your personal data, you have the right to complain to the Jersey Office of the Information Commissioner which regulates the use of information in Jersey.

You can call them on <tel:00441534716530> or online <https://jerseyoic.org/raise-a-concern-options/>

If you would like to discuss any aspect of this policy or the way we process your information, please contact me directly.