

# Data Protection Notice

A guide for patients.

Practitioner Services Directorate is the business unit within NHS National Services Scotland (NSS) which has direct engagement in data flows with primary care contractors. Primary Care Contractor Finance manages the Scottish Infected Blood Support Scheme. NHS NSS is a public organisation created in Scotland under section 10 of the National Health Service (Scotland) Act 1978. NSS is the common name of the Common Services Agency for the Scottish Health Service.

## Services we deliver

We:

- Practitioner Services Directorate register patients with GP practices, Community Pharmacies and Dentists.
- Practitioner Services Directorate manage and maintain the Community Health Index (CHI). This is a national database of all NHS patients registrations, which ensures patient identification wherever care is given.
- Practitioner Services Directorate transfer patient medical records between GP practices, for example if you move house and register with a new practice.
- Primary Care Contractor Finance pay dentists, doctors, opticians and pharmacies for services you receive. We also make sure they are paid accurately.
- Practitioner Services Directorate undertake duties on behalf of the Scottish Dental Practice Board including prior approval of complex dental treatment. Dental examinations are also undertaken by the Scottish Dental Reference Service.
- Primary Care Contractor Finance provide support to people who were historically infected with Hepatitis C and/or HIV following treatment with NHS blood, blood products or tissue and the Transvaginal Mesh Fund.

## Your personal health information and our purpose for using it

We hold and use a range of information about you, including:

- a) your name, address, postcode, date of birth and unique patient identification CHI number;
- b) details of who provides your primary care (dentists, doctors, opticians and pharmacists) and the care you have received where applicable,
- c) necessary clinical information relating to your health including general medical, oral, eye health and prescriptions prescribed and dispensed.

### GP Services

As well as registering patients with GP Practices and maintaining the CHI database, we also store GP health records for patients not currently registered with a GP practice or who have died.

There are regulations that require records to be held for a minimum amount of time before being destroyed.

In Scotland, the transfer of your GP health records is managed by us on behalf of your NHS Board.

GP practices return the records to us for patients who are no longer registered with them. If you have changed your GP practice, we send these records on to your new GP practice, wherever in the UK you are registered.

## Dental & Ophthalmic Services

At your dental practice and/or optician, you are required to sign a treatment form which holds personal details about you and your treatment plan. Following completion of your treatment, this form or electronic data is sent to us and we process the information on the form for the Primary Care Contractor Finance team to make payments to the dentist/optician for services provided to you. This information is then retained to build up a historic record of the care you have received.

We collect information from dentists providing NHS care to patients. Our specialist dental team assesses aspects of the care and treatment proposed by the dentist and either approve or decline treatment based on set criteria and whether the treatment will secure the patient's oral health.

You may be invited to attend an examination by the Scottish Dental Reference Service to provide assurance that the care and treatment provided by your dentist conforms to good clinical practice and Dental Regulations.

## Pharmacy Services

When you are given a prescription, you present it to a dispensing contractor (Appliance Supplier, Dispensing Doctor or Pharmacist). The dispenser takes the paper prescription from you and provides you with your medicine. The prescription information is then sent to us and the Primary Care Contractor Finance team use this information to make payments to the dispensing contractor.

## Scottish Infected Blood Support Scheme and the Transvaginal Mesh Fund

The Scottish Infected Blood Support scheme and the Transvaginal Mesh Fund is managed by NHS NSS. The scheme provides targeted support for those infected with Hepatitis C and/or HIV and their direct families or complications as a result of a mesh implant who live in Scotland.

## Our legal basis for using personal information and who else has access

To provide our services we need to collect, use and store personal information. When using personal information our legal basis is that its use is necessary for:

- Article 6(1)(c) – Processing is necessary for compliance with a legal obligation;
- Article 6(1)(e) – Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us;
- Article 9(2)(h) – Providing health or social care treatment or managing health or social care systems or services;
- Section 10(1)(c), 10(2) and Schedule 1 Part 1 (2) of the Data Protection Act 2018

On some occasions we may rely on another basis, which will usually be that the use is necessary:

- Article 9(2)(i) - for reasons of public interest in the area of public health; or
- Article 9(2)(g) - for reasons of substantial interest for aims that are proportionate and respect people's rights, for example research; or
- Article 9(2)(c) - in order to protect the vital interests of an individual.

One of NHS NSS functions is to ensure that payments are made accurately and NHSScotland finances are managed appropriately. Only relevant aspects of your personal data may be shared with other organisations to ensure that your entitlement is as you have declared.

We may also share information to assist in the provision of NHS services and public health. When we do this, we ensure that information which identifies you as a person and your health information are separated or anonymised. Health information which could identify you will not be used for research purposes unless you have consented to this.

## What are your rights?

Data protection law governs the use of personal information and gives you the right:

- to know how we **use** your personal health information;
- to obtain **confirmation** that your personal information is being held or used by us;
- to **access** your personal information and additional information about how we use your personal information. If you would like to request access to personal information we hold about you, you can do this by getting in touch with the NHS NSS Data Protection Officer at the address given below;
- to advise us of any inaccuracies in the personal health information we hold about you and the opportunity to **rectify** mistakes. If the personal information we hold about you is inaccurate or incomplete you have the right to have this corrected;
- to **object** to the processing and also request that further processing of your personal information is restricted, although there are some circumstances in which we would be unable to agree to this request. If you would like to object to, or request restriction of, our use of personal information about you, you can do this by getting in touch with the NHS NSS Data Protection Officer at the address given below;
- to **other rights** under current data protection law, however these rights only apply in certain circumstances. If you wish further information on these rights please look at the data protection pages on the NHS NSS website at <https://www.nss.nhs.scot/how-nss-works/data-protection/>;
- to **complain** to NHS NSS who employ a Data Protection Officer to check that we handle personal information in a way that meets data protection law.

If you are unhappy with the way in which we use your personal information please tell our Data Protection Officer using the contact details below:

**NSS Data Protection Officer**  
**NHS National Services Scotland**  
Gyle Square  
1 South Gyle Crescent  
Edinburgh, EH12 9EB  
Email address: [nss.dataprotection@nhs.scot](mailto:nss.dataprotection@nhs.scot)

- to **complain** to the Information Commissioner's Office about how we use your personal information to the Information Commissioner's Office. Details about this are on their website at [www.ico.org.uk](http://www.ico.org.uk) or by calling them on 0303 123 1113 (local rate call).

Patients do not have a right of opt-out to the collection and processing of personal data for services provided by NHS Scotland primary care contractors: it is a requirement of the various Regulations that data is collected, processed and shared in a lawful manner. It is for that reason that the data protection notices on primary care forms do not seek consent or opt-in/outs since consent is not the basis of the processing.

Further information on how we use your personal information is also available on the Practitioner Services data protection page at <https://www.nss.nhs.scot/publications/practitioner-services-directorate-and-primary-care-contractor-finance-data-protection-notice/>

## Our Duty

We have a duty to protect personal health information. This information is securely held, closely monitored and managed according to strict guidelines. Access to personal health information is given on a strict need to know basis with formal authorisation processes in place to gain access to the data.

All our staff are legally and contractually obliged to respect confidentiality and are provided with a set of confidentiality rules that state how personal data is handled, stored, transmitted and destroyed.

### Translation Service/Accessibility

If you require this information in another format or a community language please contact:

**Email: [NSS.EqualityDiversity@nhs.scot](mailto:NSS.EqualityDiversity@nhs.scot)**  
**Tel: 0131 275 7457**  
**Textrelay: 01800 275 7457**  
<https://contactscotland-bsl.org/reg/>