

CATHAY DENTAL PRACTICE

1. General

The practice collects, holds, processes and shares personal data in accordance with the provisions of the General Data Protection Regulation and the Data Protection Act 2018. We have carried out and will review as appropriate, a Data Audit.

This Policy applies to personal data in the following categories:

- Patients' Records, both current and past
- Employees' data
- Contractors' data – including dental registrants

2. Data Protection Principles

We shall ensure that Personal Data, including Special Data (health) will be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes only
- Adequate, relevant and necessary for the purpose
- Accurate and updated
- Kept for no longer than is necessary
- Processed in a secure manner and protected against loss, destruction or damage

3. Lawful Basis

Data will be held and processed under the following Lawful Basis:

- Patient Data and health records: for the Legitimate Interests of the practice in providing health care and treatment
- Employment records: as a Legal Obligation for the provision of Employment Terms and conditions and supply of data to HM Revenue and Customs and other statutory functions such as pensions and benefits
- Contractor Data: for the fulfilment of contracts

We will additionally secure the specific consent of patients for the provision of electronic communication under the Privacy and Electronic Communication Regulations 2011

4. Data Subjects' Rights

We will ensure that the rights of Data Subjects are respected and maintained by:

- The issue and promotion of a Privacy Notice detailing data processed, its origin and any disclosures, the Lawful Bases for processing, and the rights of Data Subjects
- The maintenance of a Subject Access process and the appointment of Fariba Gilany as Data Protection Officer to oversee that process and to advise on compliance
- A legitimate interest assessment ensuring individuals' rights are balanced with the legitimate needs of the practice.
- A Data Retention schedule
- An Information Security policy
- A Data Breach Policy

5. Subject Access Requests

All data subjects may submit a request to be informed of the data we hold about them, its lawful basis and from whom it is/was obtained and to whom it may be disclosed. We will provide this information without charge and as soon as is reasonably possible and in any event within one month of a valid request being received. Access requests should be addressed (or forwarded without delay) to the management of the practice.

6. Training and Compliance

We will ensure that all staff are aware of their duty of strict confidentiality regarding personal data, both professional and under the Data Protection law. We will provide training and assure compliance and will review and refresh training on a regular basis.

It is a condition of continuing employment that all staff are aware of, sign their acceptance of, and comply with, their obligations under this Policy. Any queries or concerns must be immediately addressed to Fariba Gilany. A breach of this Policy may amount to misconduct and result in disciplinary action. Serious or persistent breaches may result in dismissal.

7. Security of Data

The practice will publish and maintain an Information Security policy to assure against any loss, damage, unlawful disclosure or non-compliant erasure of data. All staff will be trained and advised of their obligations under this Policy.

We are a Data Controller under the terms of the Data Protection Act 2018 and the requirements of the EU General Data Protection Regulation.

This **Privacy Notice** explains what Personal Data the practice holds, why we hold and process it, who we might share it with, and your rights and freedoms under the Law.

Types of Personal Data

The practice holds personal data in the following categories:

1. Patient clinical and health data and correspondence.
2. Staff employment data.
3. Contractors' data.

Why we process Personal Data (what is the “purpose”)

“Process” means we obtain, store, update and archive data.

1. Patient data is held for the purpose of providing patients with appropriate, high quality, safe and effective dental care and treatment.
2. Staff employment data is held in accordance with Employment, Taxation and Pensions law.
3. Contractors' data is held for the purpose of managing their contracts.

What is the Lawful Basis for processing Personal Data?

The Law says we must tell you this:

1. We hold patients' data because it is in our **Legitimate Interest** to do so. Without holding the data we cannot work effectively. Also, we must hold data on NHS care and treatment as it is a **Public Task** required by law.

2. We hold staff employment data because it is a **Legal Obligation** for us to do so.
3. We hold contractors' data because it is needed to **Fulfil a Contract** with us.

Who might we share your data with?

We can only share data if it is done securely and it is necessary to do so.

1. Patient data may be shared with other healthcare professionals who need to be involved in your care (for example if we refer you to a specialist or need laboratory work undertaken). Patient data is also securely stored for back-up purposes with our computer software suppliers.
2. Employment data will be shared with government agencies such as HMRC.

Your Rights

You have the right to:

1. Be informed about the personal data we hold and why we hold it.
2. Access a copy of your data that we hold by contacting us directly: we will acknowledge your request and supply a response within one month or sooner.
3. Check the information we hold about you is correct and to make corrections if not
4. Have your data erased in certain circumstances.
5. Transfer your data to someone else if you tell us to do so and it is safe and legal to do so.
6. Tell us not to actively process or update your data in certain circumstances.

How long is the Personal Data stored for?

1. We will store patient data for as long as we are providing care, treatment or recalling patients for further care. We will archive (that is, store it without further action) for as long as is required for legal purposes as recommended by the NHS or other trusted experts recommend.
2. We must store employment data for six years after an employee has left.
3. We must store contractors' data for seven years after the contract is ended.

What if you are not happy or wish to raise a concern about our data processing?

You can complain in the first instance to our Data Protection Officer, who is:

Fariba Gilany

Priory Vale dental Practice , 59 Millgrove Street , Swindon , SN25 2FW

If this fails, you can complain to the Information Commissioner at

www.ico.org.uk/concerns

or by calling 0303 123 1113.