

**Privacy Notice - Health Service
Ombudsman (HSO)**



<p>1) Data Controller contact details</p>	<p>Frome Medical Practice, Frome Medical Centre, Enos Way, Frome, Somerset, BA11 2FH Telephone: 01373 301301</p>
<p>2) Data Protection Officer contact details</p>	<p>Kevin Caldwell GP Data Protection Officer Somerset CCG Wynford House Lufton Way Yeovil Somerset BA22 8HR Telephone: 01935 384000 Email: somccg.GPDPO@nhs.net</p>
<p>3) Purpose of the processing</p>	<p>The HSO has the power to request access to a patient’s medical records for the purposes of an investigation based on the Health Service Commissioners Act 1993, s12</p>
<p>4) Lawful basis for processing</p>	<p>To enable the HCO to receive information concerning a patient for the purposes of an investigation, the following Article 6 and 9 conditions apply:</p> <p><i>Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject”</i></p> <p>and:</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> <p>We will consider your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
<p>5) Recipient or categories of recipients of the shared data</p>	<p>The Health Service Ombudsman (HSO)</p>
<p>6) Rights to object</p>	<p>Not applicable</p>
<p>7) Right to access and correct</p>	<p>Not applicable</p>
<p>8) Retention period</p>	<p>Data retained in line with HSO policies on storing identifiable data</p>

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 0303 123 1113 (local rate) or 01625 545 745 (national rate)
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* "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.