

Kent & Medway Care Record (KMCR)

Data and Information Governance Frequently Asked Questions (FAQs)

1. What sort of health and care information will be shared?

The Personal Data that is shared in the KMCR includes:

- Identifying Data: Forename, Surname, Address, Date of Birth, Gender, Age, Postal Address, Postcode, Telephone Number and NHS Number.

Other categories of Personal Data included are as follows:

- **A list of diagnosed conditions** – to make sure your clinical and care staff have an accurate record of your care
- **Medication** – so everyone treating you can see what medicines you have been prescribed
- **Allergies** – to make sure you're not prescribed or given any medicines you can have an adverse reaction to
- **Test results** – to speed up treatment and care and to ensure tests are not repeated
- **Referrals, clinical letters and discharge information** – to make sure the people caring for you have all the information they need about other care and treatment you are having elsewhere
- **Care plans** (where available/applicable) – for health and care workers involved in your care to view a joined-up plan of care and the wishes you've asked for in relation to your care
- Relevant information about people that care for you and who know you well.
- Basic details about associated people e.g. your children, partner, carers, relatives etc.

2. Why do you want to share information about me and my care?

By bringing health and social care information together in one place, any authorised health and care professional that may need to deliver treatment or care to you, will be able to have access to important information such as medication, allergies etc. more quickly without the need to contact other professionals. This will ensure that care can be delivered at the right time and improve the quality of care provided to you. This could be critical in an emergency.

3. Doesn't everyone involved in my health and care already have access to my

At the moment, your records are kept by individual organisations involved in your care. For example, your GP holds information about you in relation to the treatment and care that has been provided to you by your GP. Similarly, your hospital will hold a hospital record about any care or treatment you have received there. If you use adult or children's services provided by the local authority, they too hold a separate record.

Currently these are not shared as a matter of course, so a complete picture about all of the care or treatment you have received from different professionals is not necessarily available. Bringing these electronic records together in one place will provide a more complete view of your health and care needs.

4. Who will be able to access my health and care records?

Your personal data will only be shared between the health and social care organisations that have signed the KMCR Joint Controllers Agreement (JCA) to support the delivery of direct care or treatment to you.

These include:

- Primary care (e.g. your GP practice)
- Community services
- Mental health services
- Local authority social care departments
- Secondary care (e.g. hospitals)
- Specialist services (e.g. ambulances)

The KMCR operates under strict rules regarding who can see this information. Information in the KMCR can only be seen by health and care professionals where it is needed to carry out their job in providing direct care and treatment to you.

Staff who need information to deliver direct care or treatment will access the KMCR through their own system. Controls are in place that applies the level of access a member of staff is allowed in order to do their job and what information they can see. These same controls are applied within the KMCR, which means that a member of staff can only access information based on their authorised level of access and specific job role. Also, as part of their contractual terms and conditions, each member of staff has a duty of confidentiality which they must abide by.

5. What are the main uses of data in the KMCR?

The data within the KMCR will be used for the following reasons:

Individual patient and service-user care, to:

- a. protect the vital interests of patients and service-users and those of their associated carer(s).
- b. support the provision of health or social care treatment or services to individuals, including their diagnosis and treatment, and the management of their care and support.
- c. identifying those at risk of illness and disease and to provide preventive care.
- d. activate and empower individuals in their own care by providing a personal health record.
- e. coordinate, improve and optimise patient flows.
- f. help management of health or social care services.
- g. provision of a personal health record.
- h. grant access to treatment escalation plans.
- i. allow use of KMCR analytics to guide care, improve allocation of resource and prevent harm to patients.

6. How long is the data kept?

The KMCR holds a set of information about you from the health and social care organisations that provide care for you locally.

The records of those health and social care organisations are subject to retention periods set out in documents such as the IGA (Information Governance Alliance) Records Management Code of Practice for Health and Social Care.

As the information about you on the KMCR comes from local organisational systems, the data will be kept for the same amount of time that it is kept on those local systems.

7. What is the legal basis for processing data within the KMCR?

Health and social care organisations have a duty to share personal data under s251B of the Health and Social Care Act 2012, where it is:

- (a) likely to facilitate the provision to the individual of health services or social care in England, and
- (b) in the individual's best interests.

The legal basis for processing data within the KMCR is 'the provision of health or social care services' GDPR Article 9(2)(h) and GDPR Article 6(1)(e) for a 'task carried out in the public interest'.

8. Who is the data controller?

The KMCR is not a data controller. The organisations providing your care locally are the controllers of the data they hold about you and are working in partnership to ensure it is available for sharing within the KMCR when needed to benefit your care and treatment.

If you have any concerns about data sharing, please speak to the local care organisations who hold your records. As there will be more than one organisation involved in the provision and processing of information about your care across the Partnership, the various system leads will act as Joint Data Controllers in accordance with the General Data Protection Regulation (EU GDPR 2016) and UK Data Protection Act 2018.

9. How can I access the information held in my record? (Subject Access

You have a right to request information that is held about you. The KMCR is a collection of information from organisations across Kent and Medway that provide you with care services. (Please note it is not all the information held on you by each organisation that has cared for you, as each organisation involved in your care keeps their specific records locally).

To access records of your care, you must contact the organisation(s) that have been or are currently providing your care, as they will have the full record of the care they have provided to you. This is called a Subject Access Request (SAR).

10. How is the data stored?

A record of care is held on each organisation's secure electronic system (local record) e.g. a GP practice will have their own system for recording patient information. Graphnet, a supplier of healthcare systems, has designed a secure system that integrates data from those multiple electronic health and social care systems to provide a live and read-only summary of that data to a health or social care worker when required for the purposes of direct care.

11. Is it secure?

Yes, the data held in the KMCR will be stored securely in a resilient UK cloud-based platform hosted by Microsoft. The KMCR is subject to stringent cyber-security assessments to ensure there is strong protection to maintain the safety of health and care data.

Appropriate technical and security measures in place to protect the KMCR include:

- complying with Data Protection Legislation;
- encrypting Personal Data transmitted between partners;
- implementing and maintaining business continuity, disaster recovery and other relevant policies and procedures
- a requirement for organisations to complete the Data Security and Protection (DSP) Toolkit introduced in the National Data Guardian review of data security, consent and objections, and adhere to robust information governance management and accountability arrangements;
- use of ‘user access authentication’ mechanisms to ensure that all instances of access to any Personal Data under the KMCR are auditable against an individual accessing the KMCR;
- ensuring that all employees and contractors who are involved in the processing of Personal Data are suitably trained in maintaining the privacy and security of the Personal Data and are under contractual or statutory obligations of confidentiality concerning the Personal Data.

The NHS Digital Code of Practice on Confidential Information applies to all NHS and care staff, and they are required to protect your information, inform you of how your information will be used, and allow you to decide if and how your information can be shared. All staff with access to Personal Data are trained to ensure information is kept confidential and is only shared with other professionals in the patient’s best interests.

12. What are my rights regarding information about me contained in the KMCR?

Under the Data Protection Legislation, you have the right to:

- be informed of our uses of your data
- request copies of your personal information, commonly referred to as a Subject Access Request (SAR)
- have any factual inaccuracies corrected
- request the restriction or suppression of your personal data. This is not an absolute right and only applies in certain circumstances

- not be subject to automated decision making or profiling. There is no automated decision making or profiling in the KMCR
- complain about the handling of your data to an organisations data protection officer or to the regulator
- object to processing of your personal data in certain circumstances.

13. Can I opt out of my data being shared with the KMCR?

You can choose to stop your confidential information being used for purposes other than for your own treatment and care, such as for research purposes. If you wish to opt out of your data being shared for these purposes, you can do so by way of a “Type One” opt out of secondary use of data. This needs to be registered with your GP Practice. Where you have chosen to do this, your data will not be shared with the KMCR.

You cannot automatically opt out of your information being shared where this relates to the delivery of treatment or care directly to you. Health and care organisations are legally required to share and process data to ensure health and care professionals have access to vital information to make quicker, safer decisions about your treatment and care.

At the present time, in response to the Covid-19 pandemic, the law allows confidential patient information to be used and shared “appropriately and lawfully” in response to the current public health emergency. This means that local authorities, health organisations and GPs can share confidential patient information to respond to the Covid-19 outbreak.

This directive is currently in place until 31 March 2022 and may be subject to further review. Changes to opt out during the Covid-19 pandemic mean that even if you previously opted out of sharing your health and care record, it will now be visible to organisations providing treatment and care.

Where a patient opts out of electronic record sharing, information will continue to be shared, as it is now, by email, telephone and paper.

14. I have opted-out via the NHS National Data Opt-Out. Does this opt-out also apply to the KMCR?

No, if you do choose to opt out of the NHS National Data for research and planning, your confidential patient information will still be included and used within the KMCR to support direct care to you and so will still be shared amongst the organisations involved in your direct care.

15. If I have opted out of the Summary Care Record does this opt-out also cover the KMCR?

No, an opt-out of the Summary Care Record does not also apply to the KMCR.

The KMCR provides a more detailed view of your health, care and treatment records and is a summary of the treatment and care provided to you by local health and social care organisations in Kent and Medway.

The Summary Care Record is used nationally and contains important information from the record held by your GP practice. It includes details of any medicines you are taking, any allergies you suffer from and any bad reactions to medicines that you have previously experienced. The Summary Care Record also includes your name, address, date of birth and your unique NHS number to help identify you correctly. If you have opted-out of the Summary Care Record you will not automatically be opted-out from the KMCR.

16. How can I object to my data being shared via the KMCR?

You have a legal right to lodge a GDPR objection (Article 21) with regard to your data being processed. This means that you can object to your data being shared for direct care. Your objection will be considered on a case by case basis. When reviewing your objection, consideration will be given as to whether you can still be provided with safe individual care. This is not automatic, as further information must be provided to assess whether the objection is upheld. An objection must be lodged with your GP, with the final decision being made by a Clinician.

We ask you to think carefully before making this decision. Sharing your health and social care information will make it easier for services to provide the best treatment and care for you when you most need it.

Health and social care staff use your confidential patient information to help with your treatment and care. For example, when you visit a hospital, your consultant may need to know the medicines you take.

17. Will my data be sold to third parties?

No, under no circumstances will your data be sold to third parties.

18. What controls are in place to ensure patient records are not sold overseas?

No data will be sold to any third party whether in this country, or overseas. The KMCR system provider is contractually bound to this.

19. Where is patient data being stored? Is it stored outside of the UK?

No KMCR data is processed or stored outside of the UK which is a contractual requirement of the KMCR system provider and is in line with national standards and requirements.