

Data Protection Policy

Milton 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 Dr Tony John Varghese 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
- Contractual assurance of adequate safeguards if data is processed outside the European Union

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 Dr Tony John Varghese.

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 Dr Tony John Varghese. 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.

Privacy Notice for Patients

Milton Dental Practice

We are a Data Controller under the terms of the Data Protection Act 2018. We are registered with the Information Commissioner No:C1409501.

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

Our Contact Details	
Practice name and address	<i>Milton Dental Practice, Breakspeare House, Shipton Road, Milton under Wychwood, OX7 6JW</i>
Practice telephone number	<i>01993 831396</i>
Practice e-mail address	<i>reception@miltondentalpractice.co.uk</i>
Practice website	<i>www.miltondentalpractice.co.uk</i>
Person responsible for Data Protection queries	<i>Dr Tony John Varghese</i>

What types of patients' Personal Information do we hold?

The practice holds patients' Personal Information in the following categories:

- Name, identity, (e.g. date of birth) and contact details
- Family details including anyone who may need to give consent for your care
- Medical history, your GP's details
- Dental history, records of treatment provided, x-rays and photographs
- Payment details and financial information in connection with your care
- Correspondence relating to your care

Why do we process patients' Personal Information? (What is the "purpose"?)

"Process" means we obtain, store, update and archive your Information.

Patients' Personal Information is held for the purpose of providing patients with appropriate, high quality, safe and effective dental care and treatment and the maintenance of accurate records.

What is the Lawful Basis for processing your Personal Information?

The Law says we must tell you this.

We hold patients' Personal Information because it is in our **Legitimate Interest** to do so. Without holding the information, we cannot provide your care and treatment effectively.

What do we do with your Information?

- We will only share your information if it is done securely and it is necessary for us to do so. Your personal information may be securely shared with other healthcare professionals who need to be involved in your care (for example if we refer you to a specialist, need laboratory work undertaken or need to consult with your doctor). Patient data is also stored for backup purposes off-site with our I.T. technician.
- We may also share your personal information securely to third parties where we are required by law or regulation to do so. This may include:
 - The General Dental Council
 - The Care Quality Commission
 - Dental payment plans or insurers

How do we store your Information?

Your Information is stored securely at the practice on protected computer systems.

Computer information is backed up regularly and is securely stored away from our premises.

We will keep your Information for as long as you are having dental care and treatment from us or ask us to remind you or send you future appointments. Otherwise, we will archive it (that is, store your Information without processing it), for eleven years from your last contact with us (or until you are age 25 if you are under 18)].

What are your data protection rights?

- Under data protection law you have the right to:
- Be informed about the personal information we hold and why we hold it
- Have 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, without charge
- Check the information we hold about you is correct and if not to make corrections
- Have your data erased in certain circumstances
- Transfer your information to someone else if you tell us to do so and it is safe and legal to do so
- Tell us not to actively process or update your information in certain circumstances

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

You can complain in the first instance to our Data Protection Officer, who is Dr Tony John Varghese, at reception@miltondentalpractice.co.uk or 01993 831396 and we will do our best to resolve the matter.

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

- www.ico.org.uk/concerns, by calling 0303 123 1113, or by writing to: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Privacy Notice for Workers

Milton Dental Practice

We are a Data Controller under the terms of the Data Protection Act 2018. We are registered with the Information Commissioner No: No:C1409501.

This **Privacy Notice** explains what Personal Information relating to Workers the practice may hold, why we hold and process it, who we might share it with, and your rights and freedoms under the Law.

Who are considered Workers?

- The term 'Workers' as defined within the Information Commissioner's Employment Practices Code includes current and former:
- Job applicants (successful or not)
- Employees
- Agency Staff
- Casual Staff
- Contract Staff (including self-employed registered dental professionals)
- Volunteers
- Work Placement individuals

Our Contact Details	
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Practice e-mail address	<i>reception@miltondentalpractice.co.uk</i>
Practice website	<i>www.miltondentalpractice.co.uk</i>
Person responsible for Data Protection queries	<i>Dr Tony John Varghese</i>

What types of Workers' Personal Information do we hold?

The practice may hold personal data in the following categories (where it is necessary and relevant to your work):

- Name, proof of identity, date of birth and contact details
- Contracts of employment or engagement (and any amendments)

- Relevant and updated health and employment history, training, and qualifications
- Information regarding safeguarding (e.g. DBS checks)
- Information regarding professional registration and professional indemnity
- References, appraisals, performance, and monitoring records
- Sickness, injury, absence, and accident records
- Disciplinary, grievance and dismissal records
- Financial, banking, Tax and National Insurance information and records

Why do we process Personal Information? (What is the “purpose”?)

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

Workers’ Personal Information is held for the purpose of managing an efficient, well-regulated and ethical practice providing quality dental care and a good working environment, and for the fulfilment of the practice’s legal and regulatory obligations.

What is the Lawful Basis for processing your Personal Information?

The Law says we must tell you this.

We hold Job Applicants’, Volunteers and Work Experience individuals’ Personal Information for our necessary Legitimate Interests in order to fulfil our purpose as above.

We hold Employees’ Personal Information because it is a Legal Obligation to do so. For instance, we must comply with the Employment Act (2018), the Dentists Act (1984), the Health and Safety At Work Act (1974), the Health and Social Care Act (2012), the National Health Service act (1977) and the Finance Acts.

We hold Contractors’ Personal Information because it is required to fulfil a Contract between them and the practice.

What do we do with your Information?

We will only share your information if it is done securely and it is necessary and relevant, or required by law, for us to do so.

For instance, we may share information under those conditions with:

- HM Revenue and Customs
- The Care Quality Commission
- The General Dental Council
- Health and Safety Executive
- Department for Work and Pensions
- Pensions providers
- Training providers
- Professional Advisers such as accountants, lawyers, indemnity providers

- Dental plan providers and insurers
- Locum agencies

How do we store your Information?

Your Information is stored securely at the practice in paper form and on protected computer systems. Computer information is backed up regularly and is securely stored away from our premises.

- We will keep personal information for unsuccessful Job Applicants for no longer than six months after the completion of the relevant recruitment process unless they explicitly request otherwise.
- We will keep personal information for volunteers and work placement individuals for no longer than six months after the completion of their engagement with us unless they explicitly request otherwise.
- We will keep personal information for employees and contractors for the period of their employment or contract with the practice and on termination of that employment or contract (or of any matter arising from it) we will archive their records (that is, securely store them without further processing) for six years after which time they will be securely destroyed and/or erased.

What are your Data Protection rights?

Under data protection law you have the right to:

- Be informed about the personal information we hold and why we hold it
- Have 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, without charges
- Check the information we hold about you is correct and if not to make corrections
- Have your data erased in certain circumstances (but not if it is held as a Legal Obligation)
- Tell us not to actively process or update your information in certain circumstances

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

You can complain in the first instance to our Data Protection Officer, who is Dr Tony John Varghese, at reception@miltodontalpractice.co.uk or 01993 831396 and we will do our best to resolve the matter.

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

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Legitimate Interest Assessment

For: **MILTON DENTAL PRACTICE**

Part A: Identifying a Legitimate Interest

Questions		Answers
1.	What is the purpose of the processing operation?	For carrying out dental care and treatment of patients
2.	Is the processing necessary to meet one or more specific organisational objectives?	Yes- it is a legal and professional requirement
3.	Is the processing necessary to meet one or more specific objectives of any third party?	Yes- to confirm to General Dental Council Standards and to maintain high professional standards as defined by expert authorities and with HMRC and DWP concerning employees
4.	Does the GDPR, e Privacy Regulation or other national legislation, specially identify the processing activity as being legitimate, subject to the completion of balancing test and positive outcome?	Yes- Article 9(2) of the GDPR and Clause 10(2) of the Data Protection Act 2018 refers, for example the processing of sensitive personal data doe an employee

Part B : Identifying a Legitimate Interest

Question	Answer
1. Why is the processing activity important to the Data Controller?	To maintain current accurate records of patients' health care and treatment and to identify them for administrative purposes
2. Why the processing activity is important to other parties the data may be disclosed to (if appropriate)?	To ensure the provision of high quality care and treatment to patients as appropriate to their needs; and to ensure the accessibility and accuracy of the records. E.g. dental laboratories and other suppliers, referral practices, clinical data processors (software suppliers) and other expert advisers

3.	Is there another way of achieving the objective?	No
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Question		Answer
1.	Would the individual expect the processing to take place?	Yes
2.	Does the process add value to a product or service that the individual uses?	Yes
3.	Is the processing likely to negatively impact the individual's rights?	No
4.	Would there be a prejudice to the Data Controller if processing did not take place?	Yes
5.	Is the processing likely to result in unwarranted harm or distress to the individual?	No
6.	Would there be a prejudice to a Third Party if processing did not happen?	No
7.	Is the processing in the interests of the individual whose personal data it relates to?	Yes
8.	Are the legitimate interests of the individual aligned with the party looking to rely on their legitimate interests for processing?	Yes
9.	What is the connection between the individual and the organisation?	<ul style="list-style-type: none"> - Existing customer - Lapsed or cancelled customer - Employee or contractor - Business client - Prospective client - Supplier - None of the above
		<ul style="list-style-type: none"> - Identification of the individual - Contact details - Current and past health data (Sensitive)

10.	What is the nature of the data to be processed? Does data of this nature have any special protections under GDPR	- Future clinical care and treatment (Sensitive)
11.	Is there a two-way relationship between the organisation and the individual? How close is that relationship?	- On-going with some patients - Periodic or one-off with others - None
12.	Would the processing undermine or limit the individuals rights?	No
13.	Has the personal data been obtained directly from the individual?	- Yes – in the case of consenting adults - No – in the case of children below the age of consent and vulnerable adults
14.	Is there an imbalance in who holds the power between the organisation and the individual?	Yes, however the obtaining of valid consent to care and treatment by each individual or an appointed carer, parent or Attorney validates the processing
15.	Is it likely that the individual would expect their information to be used for this purpose?	Yes
16.	Could the processing be considered intrusive or unwarranted? In particular, could it be perceived as such by the individual, or in the context of the relationship?	No. Processing is subject to the requirements of professional confidentiality
17.	Is a fair processing notice supplied to the individual? If so, how? Is it sufficiently clear and up front regarding the purpose of the processing ?	A full Privacy Notice is available on websites, and at the premises and its existence is clearly signposted in all means of contact
18.	Can the individual whose data is processed control the processing or object to it easily?	Access to clinical records is available to every patient. Records of patients not under continuing or regular care are archived for legal purposes as required by professional authorities
19.	Can the scope of the processing be modified to reduce or mitigate any underlying privacy risks or harm?	See mitigations in Part D

Part D: Safeguards and Compensating Controls

Safeguards include a range of compensating controls or measures which may be put in place to protect the individual or to reduce any risks or potentially negative impacts of processing. These may have been considered as part of a Privacy Impact Assessment and might include: data minimisation, de-identification, technical and organisational security measures, privacy by design, additional transparency, additional layers of encryption, restricted access with passwords, opt-out options.

For example

- the use of encryption of emails
- secure access to data as it is password protected
- data is backed-up and stored daily off-site
- restriction on the use of personal devices for storing or processing data
- encryption of e-mails
- physical security of the premises.

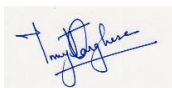
Patients may choose not to opt-in to electronic messaging.

Part E: Reaching a Decision and Documenting the Outcome

Outcome of Assessment:

- o Essential for the provision of high quality clinical care and treatment
- o Patients would expect processing and storage as a norm
- o Professional and legal safeguards for security and accuracy of data apply and are adopted fully
- o Care is taken not to undertake unnecessary or excessive processing
- o Data is archived according to authoritative guidance for the purpose of legal accountability
- o Therefore, I believe the Legitimate Interest threshold is met

Signature:



Print Name: Dr. Tony John Varghese

Date: 15.11.2023 Role: DATA PROCESSOR & DATA CONTROLLER