

# Privacy Notice - Recording of telephone calls

## Plain English explanation

All telephone calls are recorded so that information given or received can be clarified as necessary. We record our telephone calls firstly to protect patients and staff and other health workers. Patients are protected by our having a record of our conversations with you, staff and other health workers are protected from potential abuse. Secondly we record some calls or other audio visual communications such as Skype calls, because they can contain clinical information that can become part of your medical records, we will always tell you if this is part of your consultation. We also use recordings for staff training and quality control.

Our main telephone line, but not direct dial telephone numbers, will inform you of telephone recordings each time you call the surgery. Information is also available on our website and in our practice leaflets.

Calls, or transcripts of calls, audio or audio-visual recordings or elements of the discussion you have with the clinicians that contain clinical information may be added to your medical records, but this will be clarified with you at the time.

The recordings are stored with the telephone company 'SwitchMedical' within a secure portal and within the surgery where they are stored securely and password protected.

These recordings will not usually be shared outside the practice.

If we hold recordings that have not been deleted you can ask to listen to the recording by contacting the Practice Manager

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

1) <b>Data Controller</b> contact details	Southbourne Surgery 337 Main Road, Southbourne Emsworth Hampshire PO10 8JH Tel. 01243 388740 Southbourne.surgery@nhs.net
2) <b>Data Protection Officer</b> contact details	Dr K Chadwick 337 Main Road, Southbourne Emsworth Hampshire PO10 8JH Tel. 01243 388740 Southbourne.surgery@nhs.net
3) <b>Purpose</b> of the processing	To facilitate access to your care so that information given or received can be clarified as necessary.
4) <b>Lawful basis</b> for processing	<p>The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR:</p> <p><i>Article 6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'</i></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 also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"*</p>

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5) <b>Recipient or categories of recipients</b> of the processed data	Necessary data will be shared with Health and Care professionals and support staff in this surgery. Clinical data or records of consultations may be transcribed or appended to the records we hold on you and may thence be shared at hospitals, diagnostic and treatment centres who contribute to your personal care.. The actual recordings are stored within the surgery
6) <b>Rights to object</b>	You have the right to object to some or all the information being processed under Article 21. Please contact the Data Controller or the practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance
7) <b>Right to access and correct</b>	You have the right to access the data that is being shared and have any inaccuracies corrected. You may listen to your call recording by contacting the Practice Manager. There is no right to have accurate medical records deleted except when ordered by a court of Law.
8) <b>Retention period</b>	We will keep recordings for a minimum of 7 years or as long as necessary. Clinical data transcribed from your telephone or other electronic consultations becomes part of your clinical record and is retained according to relevant rules and regulations, see Privacy Notice on Direct Care.
9) <b>Right to Complain.</b>	<p>You have the right to complain to the Information Commissioner's Office, you can use this link <a href="https://ico.org.uk/global/contact-us/">https://ico.org.uk/global/contact-us/</a></p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)</p>

\* "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.

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