

Document Control

A. Confidentiality Notice

This document and the information contained therein is the property of York Medical Group.

This document contains information that is privileged, confidential or otherwise protected from disclosure. It must not be used by, or its contents reproduced or otherwise copied or disclosed without the prior consent in writing from York Medical Group.

B. Document Details

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Organisation:	York Medical Group
Document Reference:	Complaints Privacy Notice
Current Version Number:	1.0

C. Document Revision and History

Version	Date	Version Created By:	Version Updated By:	Comments
1.0	07.01.2020	Karey Bennett	Karey Bennett	Reviewed for YMG
1.1	18.03.2021	Karey Bennett	Karey Bennett	Reviewed for YMG

Privacy Notice – Complaints

Plain English explanation

This practice keeps data on Complaints so that YMG can investigate and respond to complaints in a timely manner. When further guidance is needed, the practice may seek advice from our Medical Defence Union.

No information is recorded in the medical records and patient care will not be affected by a patient’s right to complain about their care.

Complaints data is recorded and monitored for trends and to identify areas of improvement. The practice’s complaints figures are monitored by NHS England and is a CQC requirement.

If the patient is not satisfied with the response the Parliamentary and Health Service Ombudsman may be involved. York Medical Group will supply information to the Ombudsman to help so they can make a decision on the outcome of the complaint.

Your consent to this sharing of data, within the practice and with those others outside the practice is assumed and is allowed by the Law.

1) Data Controller contact details	York Medical Group
2) Data Protection Officer contact details	Dr David Geddes VOYCCG.YMGpostmaster@nhs.net
3) Purpose of the processing	<p>The complainant’s details and complaint are recorded so that the points raised can be investigated and a full response prepared for the complainant, which may include discussions with a Medical Defence Union.</p> <p>All complaints will be responded to within 6 weeks with a full investigation of the points raised and details of who to approach if the complainant is not satisfied with the reply.</p> <p>Demographics and details of the complaint, including anyone involved is recorded on a register. Information from the register is used to populate NHS England. This is also a Care Quality Commission requirement.</p>
4) Lawful basis for processing	<p>The legal basis will be</p> <p>Article 6(1)(c) “processing is necessary for compliance with a legal obligation to which the controller is subject.”</p>

5) Recipient or categories of recipients of the processed data	The data will be shared with Health and care professionals and support staff in this surgery. The details may also be shared with a Medical Defence Union, the Care Quality Commission and the Parliamentary and Health and Services Ombudsman.
6) Rights to object	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) Right to access and correct	You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.
8) Retention period	The data will be retained in line with the law and national guidance. The complaints policy complies with The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, introduced on 1 st April 2009 across health and social care.
9) Right to Complain.	<p>You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/</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:

Acomb 199 Acomb Road YORK YO24 4HD T: 01904 342999	Monkgate 35 Monkgate YORK YO31 7PB T: 01904 206862	Woodthorpe & Dringhouses 40 Moorcroft Road YORK YO24 2RQ T: 01904 706881	32 Clifton 32 Clifton YORK YO30 6AE T: 01904 653834	Tower Court Oakdale Road Clifton Moor YORK YO30 4RZ T: 01904 479111	Skelton St Giles Road Skelton YORK YO30 1XX T: 01904 479111	Water Lane Water Lane YORK YO30 6PS T: 01904 623259	York St John University Lord Mayor's Walk YORK YO31 7EX T: 01904 724775
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- 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.