

# Privacy Notice

Practice communication for all Patient Data  
in accordance with General Data Protection Regulations (GDPR)

## WHAT IS THE PURPOSE OF THIS DOCUMENT?

Newgate Dental Solutions is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about patients during and after any treatment with us, in accordance with the General Data Protection Regulation (**GDPR**).

Newgate Dental Solutions is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you as a patient. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former patients of Newgate Dental Solutions. This notice does not form part of any contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information. A copy of the full GDPR Policy and Procedure is available for review at the Practice.

## 1. DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely

## 2. THE KIND OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of patient data;

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependants.
- Next of kin and emergency contact information.
- National Insurance number.
- Bank account details.
- Registration date with Newgate Dental Solutions.
- Information that the individual is or has been a patient of Newgate Dental Solutions or has attended, cancelled or failed to attend an appointment on a certain day.

This list is not exhaustive.

### **3. HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

We collect personal information about patients, either directly from you or are provided information by third parties.

We will collect additional personal information in the course of marketing activities carried out by Newgate Dental Solutions.

### **4. HOW WE WILL USE INFORMATION ABOUT YOU**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.
3. Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

1. Where we need to protect your interests (or someone else's interests).
2. Where it is needed in the public interest or for official purposes
3. Archiving your sensitive personal data for use in the public interest, scientific interest. Also, this data may be used in for historical and statistical purposes.

### **5. SITUATIONS IN WHICH WE WILL USE YOUR PERSONAL INFORMATION**

We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

- Administering the terms and conditions we have entered into with you.
- Administering our Dental Plan Membership Scheme.
- Accounting and auditing.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

### **6. IF YOU FAIL TO PROVIDE PERSONAL INFORMATION**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as providing dentistry services or providing any other associated benefit), or we may be prevented from complying with our legal obligations (such as health and safety).

### **7. CHANGE OF PURPOSE**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **8. HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION**

"Special categories" of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with providing our services.
3. Where it is needed in the public interest, such as for Government Department monitoring.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about patients or former patients in the course of legitimate business activities with the appropriate safeguards.

- Details regarding your personal identification such as your physical condition. This includes x-ray imaging, genetic and biometric data.
- Information concerning your medical history, including physical and/or mental condition and your oral health or condition.
- Information about discussions undertaken and agreements reached on treatment options, including costs of any proposed treatment.
- Information about the treatment that is planned, is being undertaken or has been provided.
- Information about family members and personal circumstances supplied by you or others.
- The amount that was paid for treatment, the amount owing, or the fact that the patient is a debtor to Newgate Dental Solutions.

## **9. DO WE NEED YOUR CONSENT?**

We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of health and safety law.

In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## **10. AUTOMATED DECISION-MAKING**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

## **11. DATA SHARING**

We may have to share your data with third parties, including third-party service providers and other entities in the group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU.

If we do, you can expect a similar degree of protection in respect of your personal information.

### **Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to deliver a service to you or where we have another legitimate interest in doing so.

### **Which third-party service providers process my personal information?**

"Third parties" includes third-party service providers. These may include (this list is not exhaustive);

- Dental Plan Membership Administrator.
- Loss assessors.
- Insurance companies.
- Regulatory authorities such as the GDC and the Care Quality Commission.
- Fraud prevention agencies.
- NHS Local Authorities and designated agents.
- The British Dental Association (BDA).
- Other entities within our group.

### **How secure is my information with third-party service providers and other entities in our group?**

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **When might you share my personal information with other entities in the group?**

We will share your personal information with other entities in our group as part of our regular reporting activities on Newgate Dental Solutions performance, in the context of a business activities such as system maintenance support and hosting of data.

### **What about other third parties?**

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

## **12. DATA SECURITY**

We have put in place measures to protect the security of your information. Details of these measures are available upon request or on the internet at Newgate Dental Solutions on [www.newgatedentalsolutions.co.uk](http://www.newgatedentalsolutions.co.uk) .

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information by other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a **duty** of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## Data Retention

### How long will you use my information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Patient data is retained for a minimum of 11 years, or for children until age 25, whichever is longer.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

## 13. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

### 13.1 YOUR DUTY TO INFORM US OF CHANGES

It is important that the personal information we hold about you is accurate and current. Please keep us **informed** if your personal information changes during your relationship with us.

### 13.2 YOUR RIGHTS IN CONNECTION WITH PERSONAL INFORMATION

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact Paula Darkin - Compliance Director, in writing.

## 14. NO FEE USUALLY REQUIRED

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

## 15. WHAT WE MAY NEED FROM YOU

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## **16. RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent please contact Paula Darkin. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **17. DATA PROTECTION OFFICER / DATA PROTECTION LEAD**

We have appointed Paula Darkin - Compliance Director as our Data Protection Lead to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Data Protection Lead. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

## **18. CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.