

Your Individual Rights

Under the General Data Protection Regulation (GDPR) and The Data Protection Act 2018 (DPA) all individuals (data subjects) have a right to access or challenge the processing of their personal data being held and managed by an organisation.

In this section, you can learn more about your rights and how to exercise them.

Right to be informed

This right ensures transparency on how your data is processed. The GP Care Group is obliged to inform you in our privacy information at the point of collection or in our privacy notice of:

- why we need to process your data
- how long we intend to keep it
- who we plan to share it with.

If your data has been obtained from another organisation and we are the controller of this information, we must provide you with privacy information no later than one month from the date of collection. This is not necessary if you already have privacy information, or it involves a disproportionate effort to provide it to you.

Link to Care Group Privacy notice [How we process your data | GP Care Group](#)

Link to Care Group 019 Privacy notice – **TBC**

Right of Access (also known as Subject Access Request or SAR)

You have the right to get confirmation that we are processing your personal data and obtain a copy of it. This includes your:

- Paper records
- Electronic records
- CCTV footage

Only the following people can request to see personal information about an individual:

- The person the information is about (the 'data subject'); this includes somebody under 18 if they understand the nature of the request
- An agent acting on behalf of the data subject, eg. a solicitor
- A person acting under an order of the Court of Protection or acting within the terms of a registered Lasting Power of Attorney in relation to somebody who lacks the capacity to manage their affairs and make the request themselves
- The parent or legal guardian of the data subject if they are under 12 or lack sufficient maturity until a later age

Under the Data Protection Act, there is some information we are entitled to withhold. Information we hold about you is exempt from disclosure and cannot be given to you if it was obtained:

- For the purpose of preventing or detecting crime
- For the purpose of apprehending or prosecuting offenders
- In connection with current or prospective legal proceedings or for the purpose of obtaining legal advice
- We may also need to get permission from other individuals to disclose their information to you

Right to rectification

You have the right to ask the Care Group to correct any personal information it holds about you to ensure your data is accurate. You may also ask that we complete incomplete data held about you.

Right of erasure

You have the right to ask that your personal data be erased or deleted. This is also known as the ‘right to be forgotten’.

This right is not absolute and therefore only applies in certain circumstances. You can request to have your personal data erased if:

- Your personal is no longer needed for the purpose it was collected or processed
- You withdraw your consent (where “consent” is the lawful basis for processing)
- The Care Group is legitimately processing your data as part of the business function but your right overrides this
- Your personal data has been processed unlawfully
- The erasure is required as a legal obligation.

It does not apply if we need the information to provide a service we are authorised to provide by law, for a legal obligation or we believe the data to be necessary for a task in the overriding public interest.

If your data has been disclosed to a third party, the Care Group will ask them to erase that data, unless this proves impossible or involves disproportionate effort.

Right to portability

This right allows you to obtain and reuse your personal data for your own purpose across different services. It allows you to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way without affecting its usability. This right only applies to the information you have provided and where it is held electronically.

You can make a data portability request when the Care Group is processing your information:

- By automated means and relies on your consent to use your personal data, or
- Uses your data as part of a contract you have with us.

Right to object

You have the right to object to the Care Group processing your personal information. This is not an absolute right and only applies in certain limited circumstances.

You have the right to object to the processing of your personal information where the Care Group is relying upon one of the following reasons as a lawful basis for processing your personal information.

- Public task
- Legitimate interests

How to request access to your information or exercise any of your other individual rights?

To exercise your right for Right to rectification, Right to Erasure or Right to Object you will need to email the Information Governance team at thgpcg.informationgovernance@nhs.net.

If you would like to submit a Subject Access Request for yourself, about your child, or an agent acting on behalf of the data subject you will need to do this via our SAR portal at [Home Page - Portal](#).

More information on submitting a Subject Access Request can be found here [How we process your data | GP Care Group](#)

What happens next?

The GP Care Group has **one calendar month** to respond, from the date we receive your request.

The clock is paused if any part of your request needs to be clarified.

If your request is complex, we can extend the processing time by a further **two months** from the date of receipt.

Who to contact if you need further information, advice or to make a complaint about your request

If you have any further queries, a complaint or want to request an internal review, please contact the Information Governance Team at thgpcg.informationgovernance@nhs.net and we will respond to your request.

If you are unhappy with how we handled your request, your internal review or how we are processing your data, you can complain to the Information Commissioner's Office (ICO): <https://ico.org.uk/make-a-complaint/>