

## Privacy Notice – Recording of Telephone Calls (Internal and External)

### Why we process your information

In the interests of offering a good service to our service users, patient safety, being a good employer and to protect public funds. We may record internal and external telephone calls to:

- Review and improve services. (Staff and patient calls)
- Monitor and review quality of care. (Staff and patient calls)
- Train, develop and manage staff and medical trainees. (staff and patient calls)
- Prevent, detect, investigate and prosecute allegations, complaints, claims and / or fraud relating to patients, other organisations or Brownlow Health staff. (Staff and patient calls)
- Protect staff and patients. (Staff and patient calls)

<p>1) <b>Data Controller</b> contact details</p>	<p>Brownlow Health 70 Pembroke Place Liverpool L69 3GF</p>
<p>2) <b>Data Protection Officer</b> contact details</p>	<p>Head of Information Governance and Data Protection Officer NHS Informatics Merseyside Information Governance Team Hollins Park Winwick Warrington Cheshire WA2 8WA <a href="mailto:DPO.IM@imerseyside.nhs.uk">DPO.IM@imerseyside.nhs.uk</a></p>
<p>3) <b>Purpose</b> of the processing</p>	<ul style="list-style-type: none"> <li>• <b>Quality monitoring:</b> Written records only provide partial information. A call recording provides a more rounded view and allows us to better understand patient and staff experience and assess the processes applied. This can help us identify any improvement areas.</li> <li>• <b>Training and development:</b> Listening to a sample number of calls allows managers to identify training needs. Call recordings may also be used as part of training for medical students, GP registrars and other clinical staff in training at the practice. This is part of their clinical skills development.</li> <li>• <b>Gaining a better understanding of our patients:</b> Many calls are verbally resolved without the need to complete records. Listening to sample calls will help us better understand our patient and staff needs and gain a more informed view of organisations we</li> </ul>

	<p>signpost to.</p> <ul style="list-style-type: none"> <li>• <b>Complaints and disputes:</b> Some calls are verbally resolved. Where information is entered onto an electronic system this becomes the established record. In the event of a complaint or dispute, a call recording (if possible), may provide additional information to help us investigate any allegations.</li> <li>• <b>Employee safety and wellbeing:</b> A recording may become a vital piece of evidence in the event of any threats being made to the organisation or an individual or in dealing with employment-related matters.</li> </ul>
<p>4) <b>Lawful basis</b> for processing</p>	<p>The lawful bases for processing this information are:</p> <p>Article 6(1)(a) – ‘the data subject has given consent to the processing of his or her personal data for one or more specific purposes.’</p> <p>Article 6(1)(f) – ‘processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.’</p> <p>Special Categories of Data may be processed as part of recorded telephone conversations. The lawful basis for such processing will be:</p> <p>Article 9(2)(a) – ‘the data subject has given explicit consent to the processing of those personal data for one or more specified purposes...’</p> <p>Article 9(2)(f) – ‘processing is necessary for the establishment, exercise or defence of legal claims....’</p> <p>Article 9(2)(h) – ‘processing is 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...’</p> <p>Article 9(2)(i) – ‘process is necessary for reasons of public interest in the area of public health, such as protecting against serious cross border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices...’</p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality” *</p>
<p>5) <b>Recipient or categories of recipients</b> of the processed data</p>	<p>The law requires Brownlow Health to share information from your medical records in certain circumstances. Call recordings may form part of your medical record. Information is shared so that the NHS or Public Health England can, for example:</p> <p>Plan and manage services:</p> <ul style="list-style-type: none"> <li>• Check that the care being provided is safe</li> <li>• Prevent infectious diseases from spreading We will share information with NHS Digital, the Care Quality Commission, and the</li> </ul>

	<p>local health protection team (or Public Health England) when the law requires us to do so.</p> <ul style="list-style-type: none"> <li>• Call recordings may be shared internally within the practice. This includes team members, managers, and GPs. They will only have access if the data is necessary for the performance of their roles.</li> </ul>
<b>6) 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
<b>7) Right to access and correct</b>	You have the right to access the data that is being shared and have any inaccuracies corrected.
<b>8) Retention period</b>	The data will be retained in line with the law and national guidance. Brownlow Health retains call recordings for a maximum of 12 months unless specific direction is received to maintain specified recordings for the solving of crimes and/or settling of ongoing dispute or complaint.
<b>9) 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.