

## SCHEDULE 6

### OTHER CONTRACTUAL TERMS

#### PART 5

#### DATA PROTECTION, RECORDS, INFORMATION, NOTIFICATIONS AND RIGHTS OF ENTRY

##### **Processing and access of data**

**69.**—(1) Subject to paragraphs (2) and (4), the contractor must, on the request of the Health Board—

- (a) allow the Health Board to access practice data and patient records;
- (b) produce or disclose practice data and data within patient records to the Health Board or to any person authorised in writing by the Health Board; and
- (c) produce or disclose any other information to the Health Board which is reasonably required in connection with the Health Board's functions.

(2) A request under sub-paragraph (1) must be made—

- (a) after consideration of whether the relevant information could be so provided in compliance with the 1998 Act, and any directly applicable EU instrument relating to data protection;
- (b) in accordance with directions given to the Health Board by the Scottish Ministers under section 2(5) of the Act that have been consulted upon by a body representative of general medical practitioners providing primary medical services in accordance with a general medical services contract or a section 17C arrangement; and
- (c) for a purpose mentioned in sub-paragraph (3).

(3) The purposes mentioned in sub-paragraph (2)(c) are—

- (a) medical diagnosis of or provision of healthcare to patients;
- (b) the planning, including workforce planning, and management of health and social care services; or
- (c) where information is reasonably required in connection with the contract.

(4) The contractor must produce any information relating to a request made in accordance with sub-paragraph (1)(b)—

- (a) by such date as has been agreed as reasonable between the contractor and the Health Board; or
- (b) in the absence of such agreement, within 28 days of the request being made.

(5) In this paragraph—

- (a) “access” includes access by way of any computerised system, integrated information management and technology system or software; and
- (b) “disclose” includes the provision of information by electronic means.