

## **UKGDPR Compliance Statement – Privacy by Design**

### **Commitment**

**Clerkenwell Medical Practice** is committed to the principles inherent in the UKGDPR (General Data Protection Regulation) and particularly to the concepts of privacy by design, the right to be forgotten, consent and a risk-based approach. In addition, we aim to ensure:

- transparency with regard to the use of data
- that any processing is lawful, fair, transparent and necessary for a specific purpose
- that data is accurate, kept up to date and removed when no longer necessary
- that data is kept safely and securely.

### **Staffing**

Our Data Protection Officer (DPO) is **Steve Durbin**. He works with the practice to promote awareness of the GDPR throughout the organisation and to oversee the organisation's commitment to best practice. He will inform and advise the organisation and monitor its compliance.

### **Policy**

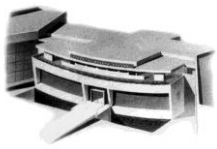
Our data protection & cyber security policy is available on our website and a copy has been made available to all employees and to contractors and suppliers associated with this organisation. It forms part of the induction training of all new staff and follow-up sessions will be put in place if the legislation changes or further guidance is available.

### **Right to be forgotten**

**Clerkenwell Medical Practice** recognises the right to erasure, also known as the right to be forgotten, laid down in the UKGDPR. Individuals should contact the Practice Manager with requests for the deletion or removal of personal data. These will be acted on provided there is no compelling reason for continued processing and that the exemptions set out in the UKGDPR do not apply. These exemptions include where the personal data is processed for the exercise or defence of legal claims and to comply with a legal obligation for the performance of a public interest task or exercise of official authority. *In the interests of clarity: Where the deletion request relates to clinical data or part of a consultation any deletion will need to be discussed with the relevant clinician or a GP partner in order to ascertain if there is compelling clinical or medico-legal reason why the deletion cannot be made. If it is found that the deletion cannot be made then the patient's request for deletion can be recorded in the clinical record if requested.*

### **Subject access requests**

**Clerkenwell Medical Practice** recognises that individuals have the right to access their personal data and supplementary information and will comply with the one month timeframe for responses set down in the GDPR. As a general rule, a copy of the requested information will be provided free of charge although **Clerkenwell Medical Practice** reserves the right to charge a "reasonable fee" when



a request is manifestly unfounded or excessive, particularly if it is repetitive. If this proves necessary, the person concerned will be informed of their right to contest our decision with the supervisory authority (the Information Commissioner's Office (ICO)).

As set out in the UKGDPR, any fee will be notified in advance and will be based on the administrative cost of providing the information.

### **Privacy**

**Clerkenwell Medical Practice** will implement data protection "by design and by default", as required by the GDPR. Safeguards will be built into products and services from the earliest stage of development and privacy-friendly default settings will be the norm. The privacy notice, which is on our website and which is provided to anyone from whom we collect data, explains our lawful basis for processing the data and gives the data retention periods. It makes clear that individuals have a right to complain to the ICO. Where relevant, the DPO has conducted a privacy impact assessment (PIA) to ensure that privacy risks have been properly considered and addressed.

### **Data transfers outside the EU**

**Clerkenwell Medical Practice** does not routinely transfer personal data outside the EU. Should this be necessary, we would seek express consent from the patient, and would put in place procedures and safeguarding measures to encrypt and maintain the integrity of any personal data that is transferred to countries outside the EU. Diligence checks are carried out to ensure that such countries have the necessary safeguards in place, provide enforceable data subject rights and offer effective legal remedies for data subjects where applicable.

### **Children**

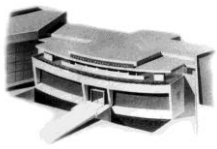
The UKGDPR provides for special protection for children's personal data and **Clerkenwell Medical Practice** will comply with the requirement to obtain parental or guardian consent for any data processing activity involving anyone under the age of 16. *However in the interests of clarity: this assertion relating to parental/guardian consent for data processing will not be used to undermine the duty of confidentiality that is owed to a child with respect to their health & care if they have been assessed and deemed competent to make their own decisions & they express a wish for confidentiality.*

### **Data loss**

If a data breach occurs that is likely to result in a risk to the rights and freedoms of individuals, the people affected will be informed as soon as possible and the ICO will be notified within 72 hours.

### **Pseudonymisation**

Pseudonymisation is the method employed with data for Non-Healthcare Medical Purposes (Secondary Uses) for de-identifying person identifiable data items. When pseudonymisation techniques are consistently applied the same pseudonym is provided for the same patient across different data sets and over time. Removal of identifiers can also be used: however, this will prevent de-identified records from being linked. An example of this is when patient data is anonymised for the use of audits and data collection or for specific case studies and research.



## Clerkenwell Medical Practice

It is possible to produce consistent pseudonyms using techniques that do not allow the pseudonym to be reversed (to re-identify individuals). The use of irreversible pseudonyms allows the linkage of records for the same individual at the same time as effectively anonymising these records.

### **UKGDPR contact**

Any questions related to GDPR or to issues concerning data protection generally should initially be addressed to the **Practice Manager on 0207 833 5906 or via email at [nclicb.clerkenwell@nhs.net](mailto:nclicb.clerkenwell@nhs.net)**