

Data Protection Officer DPIA Review

Title of DPIA: Elemental

Area: BNSSG

Date: 28.02.2025

DPO Advice provided by: Lucy Hunt

Disclaimer:

Under Article 35 of the UK GDPR, it is a requirement of all Public Authorities to undertake a Data Protection Impact Assessment (DPIA) where processing is likely to result in 'high risk'. It is also good practice to do a DPIA for any other major project which requires the processing of personal data.

The DPIA should:

- describe the nature, scope, context, and purposes of the processing;
- assess necessity, proportionality, and compliance measures;
- identify and assess risks to individuals; and
- identify any additional measures to mitigate those risks.

According to Article 35(1), it is the task of the controller, not of the DPO, to carry out, when necessary, a data protection impact assessment ('DPIA'). However, the DPO can play a very important and useful role in assisting the controller. Following the principle of data protection by design, Article 35(2) specifically requires that the controller 'shall seek advice' of the DPO when carrying out a DPIA. Article 39(1)(c), in turn, tasks the DPO with the duty to 'provide advice where requested as regards the [DPIA] and monitor its performance pursuant to Article 35'.

The WP29 recommends that the controller should seek the advice of the DPO, on the following issues, amongst others:

- whether or not to carry out a DPIA
- what methodology to follow when carrying out a DPIA
- whether to carry out the DPIA in-house or whether to outsource it
- what safeguards (including technical and organisational measures) to apply to mitigate any risks to the rights and interests of the data subjects
- whether or not the data protection impact assessment has been correctly carried out and whether its conclusions (whether or not to go ahead with the processing and what safeguards to apply) are in compliance with the GDPR

If the controller disagrees with the advice provided by the DPO, the DPIA documentation should specifically justify in writing why the advice has not been taken into account.

The DPO does not provide legal advice to the data controller.

Any decisions made regarding implementing the activity as described in this DPIA should be made by the controlling authority.

Wording taken from the ICO website - <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/>

Summary of Project

Bristol, North Somerset and South Gloucestershire Integrated Care Board (BNSSG ICB) have commissioned Sirona to deliver social prescribing digital clinical system across the Region. Sirona have entered into a contract with ACCESS UK Ltd owners of **Elemental Software** on behalf of the BNSSG System to deliver this service.

The first phase of the deployment of Elemental will have 2 key stakeholders:

1. **Primary Care** – Elemental will be integrated with Primary Care EMIS enabling GP's to easily make referrals to **Social Prescribing Link Workers** via the Elemental Platform. This integration will operate in a similar fashion to the existing Connecting Care integration.

Overall Project Aims

Implementation of the Elemental Digital Social Prescribing Platform will:

- Provide quick access to Social Prescribing integrated into Primary Care EMIS
- Frees up appointment time for GPs through integrated referrals within 3 clicks
- Delivers against the requirements of DES
- Enhances the role of the link worker without requiring access to Practice systems and so meet Data Protection requirements whilst observing the common law duty of confidentiality
- Gives real time monitoring of usage and outcomes from Social Prescribing at a PCN and/or Locality level

Primary Care: Individuals will see their General Practitioner who will identify a need for a Social Prescription. Subject to consent from the individual this information will then be shared through the Elemental Platform.

Legal Basis

1. Article 6(1)e
“processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”;
2. Article 9(2)h

“processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services”; and

Right of Access: Any Rights of Access requests submitted to Elemental will be transferred to Sirona care & health as contract holder. This request will then be forwarded to the relevant PCN Administrative User to action.

Data Flows

Refer to DPIA

Advice regarding Risks to personal confidential data

ACCESS have developed a new feature within Elemental ‘Save and Submit’ that provides users the ability to choose on a case-by-case basis, whether a specific case note, structured text and documents will be included in the medical file back.

The new feature is available to Practices when they are offered the Enhanced Integration and New Features.

If you do not choose the option above the risk remains medium if you switch it on it becomes a low risk.

Please ensure you develop local operating procedures in line with your safeguarding policies to safeguard individuals in line with this risk, where required.

DPO Overview and recommendations

Please see advice regarding risks section. Please ensure data flow mapping and information asset registers are updated to reflect Elemental.

Suggested wording for Privacy notice.

Elemental	<p>Purpose: Elemental will be integrated with Primary Care EMIS enabling GP's to easily make referrals to Social Prescribing Link Workers via the Elemental Platform.</p> <p>Legal Basis:</p> <ol style="list-style-type: none"> Article 6(1)e "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller"; Article 9(2)h "processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services"; and <p>Processor: ACCESS UK LTD</p>
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GP practice sign off to advice provided.

DPO Advice provided by:	Name	Lucy Hunt
	Job Title	DPO and GP IG Senior IG Consultant
	Organisation	SCW
	Name	
	Job Title	

DPO advice accepted or overruled:	Senior Partner/Caldicott Guardian/ SIRO	
	Organisation	
Comments:	<i>[If your decision departs from individuals' views, you must explain your reasons]</i>	
This activity will be kept under review by:	Name	
	Job Title	<i>[The Practice and DPO should also review ongoing compliance with DPIA]</i>
	Organisation	