

## **FOI 27 18/19 – FOI request concerning GDPR information**

I confirm that we hold the information as below.

**You have previously responded to a FOI request of mine:**

<https://www.whatdotheyknow.com/request/457000/response/1107739/attach/6/FOI%20237%20Disclosure.pdf>

**"A review of all systems and practices is currently being undertaken in readiness for GDPR and a review of HHR/CHIE is part of this."**

**I trust that review has now been completed, given the proximity to 25th May.**

**I am requesting the following information:**

- 1) Please could you tell me which lawful basis, as set out in Article 6 of the GDPR, will 'your' organisation be relying upon to enable processing of personal data in this way?**

The lawful bases for processing data in CHIE under GDPR are as follows:

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. In some emergency medical situations this basis would also apply

Because this is special category data a reason is also required under Article 9, which is:

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 on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

- 2) Please could you provide me with the procedure that patients must follow in order to express their right to object to such processing (as is their right under Article 21);**

**Please could you provide me with:**

- a) the form that they must fill in, or a description of the information that you require from them in order to process their objection**

We in the process of updating our "Your Information Your Rights" page of our public website, which acts as our Privacy Notice and includes a process for CHIE.

In summary we have opted not to use a form, but to allow individuals to submit their request to the Information Governance Team, who will liaise with our Information System's Team to ensure that individuals are excluded from the CHIE extract.



This process allows for both the Trust's Data Protection Officer and Information Systems Team to keep a log of exclusions and periodically audit and cross check this, to ensure that this is being adhered to.

Individuals will also be advised of the central CHIE opt-out process  
<http://www.careandhealthinformationexchange.org.uk/find-out-more/>

**b) to whom they must send their objection (e.g. department, address or email address)**

As per Q2a

**c) confirmation that patients will not simply be told to "go and see your GP" when expressing their right to object (i.e. that \*you\*, as the data controller, will deal with their objection as per Article 21 and Recital 69)**

As per Q2a

**d) confirmation that any upheld objection will ensure that no data about the patient will be extracted and uploaded to the HHR by Solent NHS Trust, yet still allowing the patient to have a HHR consisting of records derived from the other contributing organisations (including their GP practice)**

Confirmed – this process only applies to Solent NHS Trust held data.

**e) any such policy that you have that, in part or whole, details how HHR "right to object" expressions will be managed by \*your\* organisation**

As per Q2d