

FOI2130- Concerning GDPR & Hampshire Health Record/CHIE

We can confirm that Southern Health NHS Foundation Trust is able to provide the following information in response to your Freedom of Information request.

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

As per the Trust Privacy Notice on the public website - patients just need to speak to their Healthcare Professional, and their request is processed on RiO (electronic patient record).

<http://www.southernhealth.nhs.uk/care/your-rights/your-information-your-rights/privacy-notice/>

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

As Question 2(a) above.

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 Question 2(a) above.



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

Confirmed.

If the patient has chosen/requested that their information is not uploaded to CHIE, the relevant field is completed in RiO, and the upload ceases.

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 Question 2(d) above.

f) Your final "permission to share" form.

We do not have a separate form – this is part of the electronic patient record (RiO).

g) If you are indeed to rely upon Article 6(1)(a) - Consent - then please provide the equivalent "right to object" information that I have requested, except of course it will be in relation to "withdrawal of consent".

N/A