

Informatics Directorate
Freedom of Information Officer
Old Nurses Home
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Southampton General Hospital
Tremona Road
Southampton
SO16 6YD

Tel: 023 8120 5079

To: Dr Neil Bhatia (via email only)
[request-480247-b2db20f2@whatdotheyknow.com]

Ref: Freedom of Information Request
Our Ref: FOI 5236
Date: 4th May 2018

Dear Neil,

I am writing in response to your email dated 25th April 2018 requesting information under the Freedom of Information Act 2000 (FOIA) regarding GDPR and CHIE.

Q1 *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 for direct care purposes?*

A1 **The lawful basis, as set out in Article 6 of the GDPR is as follows:**

6(1)(c) – Processing is necessary for compliance with a legal obligation
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
6(1)(d) – Processing is necessary to protect the vital interests of a data subject or another person

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;

These are the lawful basis on which UHS will be processing the relevant information.

For further information on your rights under the Freedom of Information Act please visit our website at <http://www.uhs.nhs.uk/AboutTheTrust/FreedomOfInformation> or the Information Commissioner's Office website at <http://www.ico.gov.uk>

Q2

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*
- b) *to whom they must send their objection (e.g. department, address or email address)*
- 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)*
- d) *confirmation that any upheld objection will ensure that no data about the patient will be extracted and uploaded to the HHR by your organisation, yet still allowing the patient to have a HHR consisting of records derived from the other contributing organisations (including their GP practice)*
- e) *any such policy that you have that, in part or whole, details how HHR "right to object" expressions for direct care will be managed by *your* organisation*

A2

- a) **This process is operated by the South, Central and West Commissioning Support Unit in their role as data processor to UHS as data controller. The process and forms are published and publicly available online. Please use the following weblink:
<http://www.careandhealthinformationexchange.org.uk/find-out-more/>**
- b) **As above, this information is already published and publicly available via the above link.**
- c) **Information not held. Your interpretation of Recital 69 is simply your own opinion of what should or might be said to patients.**
- d) **Information not held. As above.**
- e) **This process is operated by the South, Central and West Commissioning Support Unit in their role as data processor to UHS as data controller. The process is published and publicly available online. Please use the following weblink:
<http://www.careandhealthinformationexchange.org.uk/find-out-more/>**

This is the only policy that UHS hold.

Q3

*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 (extraction and uploading) of personal data for secondary uses?*

A3

This is explained in the following:

<http://www.careandhealthinformationexchange.org.uk/wp-content/uploads/2018/04/CHIE-Review-of-Procedures-Compliance-with->

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[GDPR V5-1.pdf](#)

These are the lawful basis on which UHS will be processing the relevant information.

Q4 *Please could you tell me which lawful basis, as set out in Article 9 of the GDPR, will *your* organisation be relying upon to enable processing (extraction and uploading) of special category data for secondary uses?*

A4 **This is explained in the following:**
http://www.careandhealthinformationexchange.org.uk/wp-content/uploads/2018/04/CHIE-Review-of-Procedures-Compliance-with-GDPR_V5-1.pdf

These are the lawful basis on which UHS will be processing the relevant information.

Q5 *Please could you provide me with the procedure that patients must follow in order to express their right to object to such secondary uses 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

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

*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)*

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

A5

a) **This process is operated by the South, Central and West Commissioning Support Unit in their role as data processor to UHS as data controller. The process and forms are published and publicly available online. Please use the following weblink:**

<http://www.careandhealthinformationexchange.org.uk/find-out-more/>

b) **This process is operated by South, Central and West Commissioning Support Unit in their role as data processor to UHS as data controller. The process is published at:**

<http://www.careandhealthinformationexchange.org.uk/find-out-more/>

c) **Information not held.**

d) **This process is operated by South, Central and West Commissioning Support Unit in their role as data processor to UHS as data controller.**

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The process is published at:
<http://www.careandhealthinformationexchange.org.uk/find-out-more/>

This letter confirms the completion of this request. A log of this request will be held on a database held by the Trust.

With regards,

Freedom of Information Officer
University Hospital Southampton NHS Foundation Trust

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