

2018-240 - FOI request - GDPR & the Bolton Care Record

DIRECT CARE:	
1) Please could you tell me which lawful basis, as set out in Article 6 of the GDPR, will you be relying upon to enable processing of personal data for direct care purposes?	<p>Article 6 1(e)</p> <p>For the performance of a task carried out in the public interest. We will also be using article 9(2)h for the provision of direct care i.e. medical diagnosis and the provision of health or social care or treatment.</p>
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	This is still being considered along with the National Opt out program.
b) to whom they must send their objection (e.g. department, address or email address)	<p>Data Protection Officer Bolton NHS Foundation Trust Minerva Road, Farnworth, Bolton, BL4 0JR Information.governance@boltonft.nhs.uk</p>
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)	Any questions from patients arising from the Trust's use of data and/or Bolton Care Record will be directed to the above.
d) confirmation that any upheld objection will ensure that no data about the patient will be extracted and uploaded to the BCR by your organisation, yet still allowing the patient to have a BCR consisting of records derived from the other contributing organisations (including their GP practice)	The technical process for excluding specific Trust records is still being reviewed.
e) any such policy that you	The Trust's Data protection

have that, in part or whole, details how BCR "right to object" expressions for direct care will be managed	policy is being reviewed to incorporate a number of legislative changes relating to the Data Protection Act 2018 (GDPR). This will be published shortly.
SECONDARY USES:	
3) Please could you tell me which lawful basis, as set out in Article 6 of the GDPR, will you be relying upon to enable processing (extraction and uploading) of personal data for secondary uses?	No data from Bolton Care record is being used for secondary purposes at present. Should the data be used for a secondary reason that is not related to direct care then consent will be sought.
4) Please could you tell me which lawful basis, as set out in Article 9 of the GDPR, will you be relying upon to enable processing (extraction and uploading) of special category data for secondary uses?	Will be using article 9 2(h) where the 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.
2) 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	No data from Bolton Care record is being used for secondary purposes at present.
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 BCR "right to object" expressions for secondary uses will be managed