

# GDPR Compliance

Solent NHS Trust takes your confidentiality and privacy rights very seriously, along with its responsibility to ensure compliance with the new General Data Protection Regulation (GDPR) 2018.

In order to ensure compliance Solent NHS Trust has ensured that amongst other guidance, it has followed the Information commissioner's Office's (ICO's) guidance of "Preparing for the General Data Protection Regulations – 12 steps to take now".

This document outlines how the Trust has meet each of these standards and what it will do ensure compliance is maintained.

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# Awareness

Solent NHS Trust ensures that all staff within the organisation undertake annual Information Governance / Data Protection training ; in 2017/18 the Trust achieved 95% compliance in this area, which is the minimum standard allowed for NHS organisations. The remaining 5% allows for staff absences as a result of sickness, maternity / paternity, secondments, etc...

This years training heavily focuses on GDPR and there is an assessment at the end of the training, as well as a declaration of understanding which must be signed by each employee before they are considered compliant with their training.

Training is closely monitored by senior management and the Trust's Data Protection Officer.

As well as training staff are regularly provided with updated information on Data Protection, best practice, Information Governance articles, etc... to ensure a high level of understanding throughout the organisation.

In addition to all of the above the Trust's Data Protection Officer, Senior Information Risk Owner and Caldicott Guardian receive annual expert training and advise to ensure that their knowledge is maintained at a higher level.

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# Information you hold

Solent NHS Trust has for the last several years, undertaken a process which is referred to as Data Flow Mapping. This process identifies;

- all data that flows in and out of the organisation
- for what legal purpose it is collected
- if it is processed securely
- if it is only processed for the purpose in which it was collected
- Who data is shared with (this is also linked with Information Sharing Agreements)

## What's next?

This process will continue to be reviewed annually.

Solent NHS Trust is currently looking to publish this information as part of its openness and transparency, however will need to ensure that by doing so it does not compromise the security of the information held; therefore a summary of data processing activities maybe published. In the interim an outline of data that is processed is available within the Trust's Privacy Notice

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# Communicating privacy information

Solent NHS Trust has provided an updated Privacy Notice as part of its “Your Information Your Rights” page, alongside other information which demonstrates Solent NHS Trust’s compliance with GDPR. This includes;

Leaflets and Guidance

Individuals rights and how these are adhered to

Information Sharing Agreements (to be published)

Data Processing Agreements (to be published)

Data Protection Impact Assessments (to be published)

## What’s next?

With regards to the documents identified above as “to be published”; Solent NHS Trust is currently looking to publish this information as part of its openness and transparency, however will need to ensure that by doing so it does not compromise the security of the information held; therefore a summary maybe provided as an alternative.

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# Individuals rights

Solent NHS Trust has published individuals rights on its “Your Information Your Rights” page, along with supporting guidance and leaflets advising on how Solent NHS Trust will adhere to these rights

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# Subject access requests

Solent NHS Trust takes its responsibility to provide individuals with their information, in accordance with law very seriously and has a dedicated part of the Information Governance Team in place to support this.

Solent NHS Trust has now adapted its process to support the new timescale requirements of GDPR, which require requests to be processed within 30 days as opposed to 40 days.

All requests can be submitted in write either by post or email to the Information Governance Team

Information Governance Team  
Solent NHS Trust Headquarters  
Highpoint Venue  
Bursledon Road  
Southampton  
SO19 8BR

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**Email:** [InformationGovernanceTeam@Solent.nhs.uk](mailto:InformationGovernanceTeam@Solent.nhs.uk)

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# Lawful basis for processing personal data

For this requirement organisations should identify the lawful basis for their processing activity, document it and update their privacy notice to explain it.

You will see that under the [“information you hold”](#) and [“communicating privacy information”](#) sections of this document, Solent NHS Trust has adhered to this requirement.

In the majority of cases the legal basis for processing is outlined below;

## Article 6 – Processing Personal Data

- (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; **Staff Information**
  - (c) processing is necessary for compliance with a legal obligation to which the controller is subject; **e.g. Safeguarding Act, Childrens Act, Mental Capacity Act**
  - (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; **Provision of medical services**
  - (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person; **Medical emergencies**
- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes. **Only if one of the legal basis's above is not applicable.**

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# Lawful basis for processing personal data

## Article 9 – Process Special Category Data

- (b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject; **Staff Information**
- (c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; **Medical emergencies**
- (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; **Provision of medical services**
- (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject; **Only if one of the legal basis's above is not applicable.**

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# Consent

We do not rely on consent to use your information as a ‘legal basis for processing’. We rely on specific provisions under Article 6 and 9 of the General Data Protection Regulation, such as ‘...a task carried out in the public interest or in the exercise of official authority vested in the controller.’ Refer to “[lawful basis for processing personal data](#)”.

This means we can use your personal information to provide you with your care without seeking your consent. However, you do have the right to say ‘NO’ to our use of your information but this could have an impact on our ability to provide you with care.

Where consent is required for data processing, Solent NHS Trust will ensure that this is explicit, freely given, specific, informed and unambiguous.

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For this requirement originations should start thinking about whether it needs to put systems in place to verify individuals' ages and to obtain parental or guardian consent for any data processing activity.

Solent NHS Trust has had a long history in ensure that appropriate consent is obtained from children or their parents / guardians. This is also regularly reviewed to assess that if the individual child is considered competent enough, that they then become responsible for their own data and treatment.

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# Data breaches

Solent NHS Trust, alongside other NHS organisations have had systems and processes in place previously to manage the robust reporting and investigating of Data Breaches. Evidence of this can be found in Solent NHS Trust's [Information Governance Risk Policy](#)

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# Data Protection by Design and Data Protection Impact Assessments

Solent NHS Trust, alongside other NHS organisations have had systems and processes in place previously to implement what Data Protection Impact Assessments (previously known as Privacy Impact Assessments). Evidence of this can be found in Solent NHS Trust's [Data Protection Impact Assessment Procedure](#).

To ensure Data Protection by Design, Solent NHS Trust's Data Protection Officer has ensured that they are to be linked into all service discussions, both clinically and corporately, where data processing will be discussed, to ensure that the right checks have been put in place and that Data Protection Impact Assessments are completed.

In addition to this all Solent NHS Trust's sub-contracts have been contacted and provided with updated GDPR compliance contract clauses.

## What's next?

Solent NHS Trust is currently looking to publish completed Data Protection Impact Assessments as part of its openness and transparency, however will need to ensure that by doing so it does not compromise the security of the information held; therefore a summary maybe provided as an alternative.

Although previously for existing processes, Data Protection Impact Assessments may not have been required to be completed (although security checks would have been completed) and these have not been requested to be undertaken retrospectively, Solent NHS Trust is taking the approach to complete these retrospectively in 2018/19, as well as auditing its sub-contractors compliance.

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# Data Protection Officers

Solent NHS Trust has appointed a qualified Data Protection Officer

Data Protection Officer

Mrs Sadie Bell

Data Protection Officer and Head of Information Governance & Security

[Sadie.Bell@solent.nhs.uk](mailto:Sadie.Bell@solent.nhs.uk)

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# International

Solent NHS Trust has does not process the majority of its data outside of the EU / EEA. In the rare circumstances where this occurs, vigorous security checks are undertaken, alongside contractual restrictions.

Individuals will be informed when their data is being processed outside of the EU / EEA

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