

The Impact of the General Data Protection Regulation on the use of personal data for science

NHS European Office



NHS plans for assisting with implementation

NHS European Office – what we do

- Represent the English NHS in EU affairs
- Part of the NHS Confederation

Core activities:

- Influence EU policy and legislation in interests of the NHS
- Help NHS organisations access EU funding
- Facilitate cross-European collaboration/exchange of good practice

...but since 24 June also Brexit work...

Impact of BREXIT

Karen Bradley MP used her [appearance](#) before the Culture, Media and Sports Select Committee on 24 October 2016 to say:

“We will be members of the EU in 2018 and therefore it would be expected and quite normal for us to opt into the GDPR and then look later at how best we might be able to help British business with data protection, while maintaining high levels of protection for members of the public.”

This being the case, the NHS is preparing to implement both pieces of legislation to deadline.

- Feeding into national legislation on the derogations
- Supporting a relationship with our supervisory authority
- Supporting the development of guidance
- Linking all organisations to avoid duplication of guidance

the voice of the NHS in Europe NHS European Office

Briefing

May 2018 Issue 23

Protecting and managing personal data

Changes on the horizon for hospitals and other health and care organisations

Who should read this briefing?

- This briefing is intended for staff working on privacy or information governance in hospitals and other health and care organisations. It highlights the main changes that can be expected for the health and care sector when meeting the data privacy requirements laid out in the newly approved EU Data Protection Regulation. At the end of each section there are also recommendations for national and EU implementers on how to prepare for a smooth transition to the new law in the health and care sector.

What this briefing is for

- The briefing looks at the most significant changes which have been made to the current 1995 EU Directive on Data Protection and focuses on the key areas of change for the health and care sector.

Key points

- Understanding the EU Data Protection Regulation (the Regulation) is of critical importance to hospitals and other health and care organisations in Europe, as every organisation which handles personal data will have to comply with the new law when processing personal data on patients.
- The Regulation strengthens the principles of data protection by putting more focus on accountability and security. Organisations processing personal data will now be obliged not only to comply with the new law, but also to demonstrate they have complied.
- Hospitals and other health and care organisations need to be prepared for some new requirements which are highlighted in this briefing. In the area of health and social care, there are also opportunities for national laws, guidance and rules.
- The new Regulation was adopted on 27 April 2016 and must be implemented across the EU by 25 May 2018.

Produced in partnership with  Part of 

THE GENERAL DATA PROTECTION WORKING GROUP – PREPARING FOR THE GDPR

A GDPR Working Group has been established with the aim of providing national level sector specific policy and guidance. The aim is to support NHS, social care and partner organisations to prepare for the requirements of the EU General Data Protection regulation when it comes into force in May 2018.

The working group has representation from arms' length bodies including CQC, NICE, NHS Improvement, NHS Digital and the NHS European Office, also the Department of Health and Department for Culture Media and Sport who is leading on developing accompanying legislation. There is also representation from the Information Commissioner, the Local Government Association, the chair of a local IG network and the Information Governance Alliance.

A key objective of the group is to develop policy and guidance which is approved by DH and endorsed and published by the IGA. Whilst the ICO will be publishing sector-wide GDPR guidance, some topic areas will benefit from a shared

sector-specific approach which compliments the overarching ICO documents.

The group has developed a schedule of publications to be issued throughout 2017, including the following titles:

For April 2017:

- Briefing for CEOs on 'accountability' – informs about the requirement for organisations to be able to demonstrate compliance, resource implications and the mandatory appointment of a Data Protection Officer with defined responsibilities
- Data protection accountability and governance – guidance for organisations supporting the development of their governance arrangements, aimed at Data Protection Officers and senior management
- What's changed and what's not.



For June 2017:

- Privacy by design and default
- Transparency, fair processing and subjects rights

- Consent
- Prior consultation.

Please note that delivery dates may change. Further titles are planned and for detail of these please see the publication schedule on the IGA web pages, and link to www.digital.nhs.uk/iga

Development of policy and documents for topic areas will be undertaken by sub-groups formed from members of the working group that will also draw on expertise from outside the group. Local IG networks will also be working in parallel to develop operational materials which will complement ICO and national policy and crucially provide practical interpretation to meet operational needs. The IGA, on behalf of the working group, are developing a communications strategy to ensure clear understanding and timely delivery.

-  [Volunteers to review drafts of the national guidance are welcome. If you would like to contribute, please contact us.](#)
-  [A webinar on the GDPR Working Group and the publication schedule is available here.](#)

Looking ahead, post Brexit:

- Adequacy may be the most frictionless transition, but this is uncertain.
- We are looking for the impact on international transfers (research, clouds, patients, etc.).

To be kept informed: www.nhsconfed.org/nhsandbrexit
[@nhsconfed_EU](https://twitter.com/nhsconfed_EU)

Register for our BREXIT Bulletin
<http://www.nhsconfed.org/register>

NHS European Office

NHS Brexit bulletin

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Issue 1

Brexit bulletin

News from the heart of the EU

As the UK prepares to leave the EU, read the latest blog from NHS European Office director Elisabetta Zanon as she outlines the top priorities for the NHS and how they plan to keep you up to date with the key issues.



Brexit and rare disease patients

UK patients with rare diseases could face delays in treatment if the NHS can no longer collaborate in EU rare disease networks post-Brexit. Read the NHS European Office's press release for detail on the implications.

