Privacy Notice – Research

We take the security of your data seriously. This document sets out more information about a particular scenario relating to your data and should be read in conjunction with the adult & children's privacy notices.

Research

This practice participates in research. We will only agree to participate in any project if there is an agreed clearly defined reason for the research that is likely to benefit healthcare and patients. Such proposals will normally have a consent process, ethics committee approval, and will be in line with the principles of Article 89(1) of GDPR.

Research organisations do not usually approach patients directly but will ask us to make contact with suitable patients to seek their consent. Occasionally research can be authorised under law without the need to obtain consent. This is known as the section 251 arrangement[1]. We may also use your medical records to carry out research within the practice.

We share information with the following medical research organisations with your explicit consent or when the law allows: [insert names eg Clinical Practice Research Datalink].

You have the right to object to your identifiable information being used or shared for medical research purposes. Please speak to the practice if you wish to object.

We are required by Articles in the General Data Protection Regulations to provide you with the information in the following 9 subsections.

Data Controller contact details

Dr Mark Edwards, Caldicott Guardian
University Health Service, University of Southampton, Highfield, Southampton SO17 1BJ
Email: data.protection@unidocs.co.uk

Data Protection Officer contact details

Caroline Sims
Southampton City CCG, Oakley Road, Southampton SO16 4GX
Email: caroline.sims@nhs.net

Purpose of the processing

Medical research

Lawful basis for processing

Identifiable data will be shared with researchers either with explicit consent or, where the law allows, without consent. The lawful justifications are:

Article 6(1)(a) "the data subject has given consent to the processing of his or her personal data for one or more specific purposes";

Article 6(1)(e) may apply "necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller";

Article 9(2)(a) – 'the data subject has given explicit consent…';

Article 9(2)(j) – 'processing is necessary for… scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member States law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the data subject';

Article 9(2)(h) – 'processing is necessary for the purpose of preventative…medicine…the provision of health or social care or treatment or the management of health or social care systems and services...'

We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"*

Recipient or categories of recipients of the shared data

The data will be shared with the National Institute for Health Research Clinical Research Network (www.nihr.ac.uk).

Rights to object

You do not have to consent to your data being used for research. If you have consented to your data being used in research you can change your mind and withdraw your consent at any time. Contact the Data Controller or the practice. We will normally comply with any request.

Right to access and correct

You have the right to access any identifiable data that is being shared and have any inaccuracies corrected.

Retention period

The data will be retained for the period as specified in the specific research protocol(s).

Right to Complain

To complain, please contact either the practice's Caldicott Guardian or Data Protection Officer.

You also have the right to complain to the Information Commissioner's Office:

Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF

Tel: 0303 123 1113 or 01625 545 745

Web: https://ico.org.uk/global/contact-us/

University Health Service
Building 48
University of Southampton
Highfield
Southampton SO17 1BJ

Tel: 023 8055 7531
Email: surgery@unidocs.co.uk

VERSION HISTORY			
Document: PRIVACY NOTICE – RESEARCH			
Version	Date	Author	Notes
1	13/5/18	SPCL	
2	6/6/18	ME	
3	20/08/19	ME	CHANGE DPO TO CAROLINE SIMS

[1] Section 251 and the NHS Act, Health Research Authority: https://www.dropbox.com/s/sekq3trav2s58xw/Official%20Section%20251%20guidance%20Health%20Research%20Authority.pdf?dl=0

*** "Common Law Duty of Confidentiality"**
Common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:
- *where the individual to whom the information relates has consented;*
- *where disclosure is in the public interest; and*
- *where there is a legal duty to do so, for example a court order.*