

ANNEX 2 - DATA PROTECTION LEGISLATION AND CALDICOTT PRINCIPLES

The Data Protection Legislation – Privacy Principles. NHS Lothian fully endorses and adheres to the Principles as set out in the Data Protection legislation, namely that personal data shall:

Six privacy principles:

1. Lawfulness, fairness and transparency

Transparency: Tell the subject what data processing will be done.

Fair: What is processed must match up with how it has been described

Lawful: Processing must meet the tests described in GDPR [article 5, clause 1(a)]

2. Purpose limitations

Personal data can only be obtained for “specified, explicit and legitimate purposes”[article 5, clause 1(b)]. Data can only be used for a specific processing purpose that the subject has been made aware of and no other, without further consent.

3. Data minimisation

Data collected on a subject should be “adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed”. [article 5, clause 1(c)]

i.e. No more than the minimum amount of data should be kept for specific processing.

4. Accuracy

Data must be “accurate and where necessary kept up to date” [article 5, clause 1(d)]
Baselining ensures good protection and protection against identity theft. Data holders should build rectification processes into data management / archiving activities for subject data.

5. Storage limitations

Regulator expects personal data is “kept in a form which permits identification of data subjects for no longer than necessary”. [article 5, clause 1(e)]

i.e. Data no longer required should be removed.

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6. Integrity and confidentiality

Requires processors to handle data “in a manner [ensuring] appropriate security of the personal data including protection against unlawful processing or accidental loss, destruction or damage”. [article 5, clause 1(f)]

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Caldicott Principles. The 6 Caldicott Principles for handling patient identifiable information are:

- **Formal Justification** - every proposed use or transfer of patient identifiable information within or from another organisation should be clearly defined (and reviewed if continuing).
- **Information Transferred only When Absolutely Necessary** - patient identifiable information items should not be used unless there is no alternative.
- **Only the Minimum Required** - where use of patient identifiable information is considered to be essential, each individual item of information should be justified with the aim of reducing identification.
- **Need to Know Basis** - only those individuals who need access to patient identifiable information should have access to it and they should only have access to the information items they need to see.
- **All to understand their Responsibilities** - action should be taken to ensure that all staff are aware of their responsibilities and obligations to respect patient confidentiality.
- **Understand and Comply with the Law** - collection and every use of patient identifiable information must be lawful.

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