
How we handle the information you provide to the Review – Data Protection and Privacy Information

Introduction

1. This policy sets out the approach the Review will take in order to handle information appropriately and to comply with information legislation.
2. This policy covers documents gathered and created during the Review and anything in which information of any description is recorded, whether in paper or electronic form. This includes recordings and transcripts of evidence sessions, letters/emails, notes of phone calls and other interactions, medical records, reports, reviews, committee minutes, governing/constitutional documents, legislation, information from websites, guides/codes of conduct, policy documents and articles.
3. This policy may be amended, as necessary, to ensure it reflects any changes in our practices or to mention new types of information handled by the Review. If the policy is amended, the revised version will be published on the Review's website www.immidsreview.org.uk.

Legal requirements for information management and privacy

4. The Review complies with Data Protection legislation and the Public Records Act 1958. Data Protection legislation includes the Data Protection Act 2018, and the General Data Protection Regulation applicable from 25 May 2018. We also observe common law duties of confidentiality.

Data Protection Registration

5. The Review is registered with the Information Commissioner's Office as a data controller because the Review decides how personal and 'special category' (i.e., sensitive) personal data are processed. Details of the Review's registration, No. ZA442316 can be viewed at www.ico.gov.uk.

Lawful basis and purposes of processing personal data

6. The Review collects and uses, and will in time destroy, personal information and sensitive personal information, for the purposes of fulfilling the independent

Review's terms of reference, which are published on the Review's website www.immndsreview.org.uk.

7. The first legal basis of the Review's use or 'processing' of information is that individuals whose personal information is held by the Review have given their explicit consent to the use of their information for the Review's purposes. In the case of personal information these purposes are:
 - i) To read and analyse the information you have sent, to improve our understanding of the issues raised by you and by our Terms of Reference, and to make findings and reach conclusions, as required by those Terms of Reference;
 - ii) To use the information to develop questions or issues for other witnesses or organisations to answer or explore with the Review;

(Please note that any questions we ask other people or organisations will be anonymised and will not identify you. If for any reason, we felt that it would be appropriate to identify you, we would contact you and seek your permission or comments first); and

 - iii) To count your submission(s) as having been received by us, when describing how we carried out our work, in the final Report.
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8. Further, even if such consent has not been given or could not reasonably be sought, the Review will process information as:-
 - it is necessary for the performance of a task carried out in the public interest, namely fulfilling the task entrusted to it by the former Secretary of State for Health, following his decision to establish this non-statutory, independent Review, and to fulfil the terms of reference of which have been finalised after a period of engagement;
 - it is necessary for reasons of substantial public interest, including for the exercise of a protective function intended to protect members of the public against mismanagement, failures in services or other failings.

Types of personal and sensitive personal data processed

9. The Review collects and uses personal data of various types, including contact details, family details, employment and education details, lifestyle and social circumstances.

10. Some types of data fall into the class of “sensitive” or “special category” data, which require additional safeguards to be put in place. Examples include physical health and mental health details and records; racial or ethnic origin; religious or other beliefs of a similar nature; criminal offences including alleged offences, outcomes and sentences; and disciplinary or regulatory breaches including alleged breaches and outcomes.

Security and confidentiality

11. Only members of the Review team will have access to personal information. All members of the Review team are aware of their obligations and responsibility when handling personal and confidential information. They are subject to employment, contractual or other professional obligations regarding confidential and official information, both during their engagement by the Review and afterwards.
12. All personal and sensitive personal information is appropriately password-protected (if electronic), stored in secure, locked locations (if hardcopy) and appropriately handled to prevent loss or inappropriate access.

Sharing information

13. The Review will hold the personal information you provide within the Review team and use it for analysis for the purpose of fulfilling its terms of reference.
14. However, at times, the Review may need to share information with those outside of its team. Persons that information may be shared with in this way could include:
- a. Persons of interest to the Review, particularly those potentially subject to criticism, in order to explore issues raised by the personal information and in the interests of fairness and justice; and / or
 - b. A relevant employer, professional or quality regulator, the police or prosecuting authorities, if the Review receives information that indicates a criminal or disciplinary offence by someone, or if it is ordered by a Court to disclose information.
15. In the circumstances set out at (a), the Review will consider whether anonymised information only could be shared. If not, it will contact you (that is, the person whose personal details it is considering sharing), to seek your views on the proposed sharing. It will not share information in this way unless it is satisfied that
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it has either your agreement (consent), or it would still be lawful to share the information without your consent, because it is necessary for its work.

16. Equally, if the Review wishes to share information about you with the police or regulatory authorities because it is concerned that it has received information suggesting a criminal offence or misconduct (see (b) above), it will seek your permission to do so. However, it will have to pass on your name, contact details and other relevant information without your permission, to the police or other relevant authorities, if it believes that there is a risk of serious harm to someone, or if it is ordered by a court to do so.

Retention and destruction of documents

17. During the course of the Review, only information that is required for the purposes of fulfilling the Review's terms of reference will be retained. Information will not be kept longer than necessary.
18. The Review will publish a report of its findings and recommendations. Once it has done this, the Review will hand over to the Department of Health and Social Care a set of documents for the public record. It is anticipated that the public report, and set of documents, will not include any personal or sensitive personal data. If necessary, redactions to documents will be made in accordance with Data Protection legislation and any other legal obligation of confidentiality.
19. The Review will destroy digital recordings, and the Review's copy of transcripts of evidence sessions, within 3 months of publishing its final report, unless required by any ongoing litigation or legal process of review to retain such information.
20. We will similarly destroy all other documents gathered and created during the course of the Review to record evidence received and heard and personal testimonies save where the Review has received a request to return an original document submitted in evidence, or where the document is retained for the public record.

What are your rights?

21. You have the right to a copy of personal information that the Review holds about you, or to ask for corrections or deletion of the personal information held. Requests should be made to the Review's Data Protection Officer, as below. The Review does not charge for supplying a copy of the information held.

22. If you are unhappy about the way the Review uses your personal information, you have the right to complain to the Review's Data Protection Officer using the contact details listed below.

23. You also have the right to complain to the Information Commissioner's Office (more information is available at <https://ico.org.uk/for-the-public/raising-concerns/>)

Further Information

24. To cater for those without internet access/ email we will post, on request, a copy of this policy "How we will handle the information you provide to the Review – Data Protection and Privacy Information."

25. Any enquiries regarding this policy or information held by the Inquiry should be directed to:

The Secretary to the Independent Medicines and Medical Devices Safety Review,
Room 3.25b Shepherd's House
King's College
London SE1 1UL
email reviewteam@kcl.ac.uk

26. Our Data Protection Officer is Joanna Wood, Lawyer to the Review, who may be contacted at joanna.wood@kcl.ac.uk