

**Heather Beckett Barrister at Law  
Medico-Legal Expert Witness  
And  
Dental Healthcare Practitioner**

# **Data Protection Policy**

## **General Statement of DP requirement;**

Processing relevant personal data is an integral and essential part of assessing and managing client / patient cases and healthcare records. Personal data is stored for this purpose alone and passed only to third parties with a legitimate reason for having the information. Personal data is not used for any other purposes.

## **Data Protection Controller:**

Heather Beckett is a registered DP controller. As DPC she endeavours to ensure all personal and confidential data is processed and stored securely and in compliance with this policy and the GDPR 2016.

## **Principles Applied to Data processing:**

To comply as far as is reasonably practical with the principles detailed in the GDPR 2016 and ensure all data is:

- Processed for lawful purpose
- Fairly and lawfully processed
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than necessary
- Processed in accord with the data subject's rights
- Secure
- Not transferred to others without legitimate reason and adequate data-security protection.

## **Legal Bases for Data Processing:**

**1. For legal work as a barrister instructed by a solicitor the legal bases for data processing are:**

**(a) Contract – This is limited to the essential information required to accurately identify and contact the Solicitor, Client, Case and Instruction**

**(b) Legitimate Interests – This is the client personal data and confidential information relevant to the case.**

**2. For legal work as a Direct Access barrister instructed by an individual or organization the legal bases for data processing are:**

**(a) Contract – This is limited to the essential information required to accurately identify and contact the Client, Case and Instruction**

**(b) Legitimate Interests – This is the client personal data and confidential information relevant to the case.**

**3. For Medico-Legal Reporting the legal basis for data processing is:**

**(a) Legitimate Interest – This includes the identity, contact details, medical history and other relevant information related to the client and case.**

**4. For Dental Healthcare Practice the legal basis for data processing is:**

**(a) Legitimate interest -This includes the identity, contact details, medical history and other relevant information related to the client and their dental care.**

## **Sensitive Personal Data:**

**Sensitive personal data related to medical conditions, gender, race, occupation or religion, is sometimes necessary and is respected and protected appropriately.**

## **Rights of Access:**

**Data subjects have the right of access to information held, subject to the provisions of the GDPR 2016 and the Freedom of Information Act 2000.**

**This mainly relates to dental patients who may wish to see their dental records or have them transferred to another practice. See procedure.**

## **Exemptions**

**Certain data is exempted from the provisions of the GDPR 2016 and**

includes the following:

- **National security and the prevention or detection of crime**
- **The assessment of any tax or duty**
- **Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon Heather Beckett, including Safeguarding and prevention of terrorism and radicalisation** The above are examples only of some of the exemptions under the Act.

### **Accuracy:**

Heather will endeavour to ensure that all personal data held in relation to all data subjects is accurate. Data subjects must notify her of any changes to information held about them. This is most important in respect to medical health records that are routinely up-dated. Data subjects have the right in some circumstances to request that inaccurate information about them is erased. This does not apply in all cases, for example, where records of mistakes or corrections are kept, or records that must be kept in the interests of all parties to which they apply.

### **Enforcement / Complaint:**

If an individual believes that Heather has not complied with this Policy or acted otherwise than in accordance with the GDPR 2016, please let her know in writing and she will investigate promptly and inform you of the outcome.

### **Data Security:**

An appropriate level of data security must be deployed for the type of data and the data processing being performed. In most cases, personal data must be stored in appropriate systems and be encrypted when transported offsite. All systems used for processing / storage are 'password' protected.

### **Secure Destruction**

When data held in accordance with this policy is destroyed, it is destroyed securely in accordance with best practice at the time of destruction.

## **Retention of Data**

It is sometimes necessary to retain data for differing periods of time for different purposes as required by statute or best practices. Data may be stored digitally or as hardcopy, notes, reports case files, photographs or radiographs etc. indefinitely although 7 years applies to most medical reports/ records.

### GDPR Policy (Reference)

#### Functions:

- 1 Legal work as a barrister acting for Solicitors.
- 2 Legal work as a DA barrister acting for an Individual or an Organisation.
- 3 Expert Medico-Legal reporting.
- 4 The provision of Private Dental Healthcare.

#### Legal Bases for Data Processing:

The lawful bases for processing are set out in Article 6 of the GDPR. At least one of these must apply whenever you process personal data:

**(a) Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.

**(b) Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

**(c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).

**(d) Vital interests:** the processing is necessary to protect someone's life.

**(e) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

**(f) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

# **GDPR Policy Rights of Access Procedure**

## **Appendix 2**

### **Rights of Access:**

**Data subjects have the right of access to information held, subject to the provisions of the GDPR 2016 and the Freedom of Information Act 2000.**

**This mainly relates to dental patients who may wish to see their dental records or have them transferred to another practice.**

**In the event that you require access to your personal data, held by Heather Beckett, it is necessary to make your request in writing to her at 5a Dornmere Lane, Waterlooville PO7 8QH.**

**Data available in electronic form will, where possible, be sent to you securely by email. Paper documents will be posted. Alternatively, by arrangement, you may collect your information personally from the above address.**