21 Blog Twenty One Helpful people

**One week in and still here?**

We’re more than one week in and all still here, I told you GDPR could be your friend.

**A short blog**

Privately I’m pleasantly pleased with the lack of panic, there’s been no tsunami of problems or unforeseen issues, looking back over the last few weeks and the Dropbox it seems we’ve been able to pre-empt most of the what could have blown up. Well done all.

And I’m also seeing evidence of these blogs reaching far and wide, which is good, that’s what they are there for.

**Well apart from Solicitors that is…….**

Yes I know, I know, SARs and Solicitors, GRRRR…. its a very hot topic at the moment but believe me we are working on it. It’s a complex issue. Its not easy. But I promise more later.

In the meantime remember you can charge for SARs that are excessive or unfounded, that will not apply in most cases, and at the moment in the absence of any national area specific guidance, you’ll have to make your own reasonable decisions, [see the blog](https://www.dropbox.com/s/hzj8bf3rg7fnmrj/7a%20Blog%20Seven%20A%20Subject%20Access%20Requests%20Part%20Two%20-REVISED%208th%20May.doc?dl=0).

**So what’s this blog about?**

Helpful people.

Those helpful people who kindly agree to collect prescriptions, or dispensed medicines, or letters or certificate or forms or samples or drop in specimens, you know, the friends relatives, neighbours and carers without whom there’d be a lot less care.

**The question I’ve been asked is**

When Mrs Smith says Mrs Jones is authorised to collect her prescriptions on her behalf, we will have a note in Mrs Smith’s records about Mrs Jones, we may even ask Mrs Jones for proof of ID.

**What does GDPR say about Mrs Jones’ data being in Mrs Smiths’ records?**

The answer, is not a lot.

Firstly, the note in Mrs Smiths record about Mrs Jones and her address is not special category data. Mrs Jones’ name is manifestly pubic knowledge.

**So we only need an Article 6 justification?**

Correct, and by now you know those almost by rote but lets just run through them again.

**Firstly**

6(1)(a), consent. When Mrs Jones turns up at the reception desk she’s obviously consenting by virtue of her actions. Now as detailed before, GDPR compliant consent is a complex business so I doubt we’ll be using this but by presenting herself and volunteering her name Mrs Jones has closed off the CLoDC aspect.

6(1)(b) won’t apply. There’s no contract between you and Mrs Jones.

6(1)(c) won’t apply, unless you invoke the GMS / PMS requirement to keep records. Sounds a bit tenuous to me.

6(1)(d) won’t apply unless it’s a script for adrenaline for VF

6(1)(e) will do nicely. This is the “GPs process data in order to do what GPs do” lawful basis. Care for Mrs Smith means processing Mrs Jones’ data.

6(1)(f) is precluded by virtue of GPs being public authorities.

So that’s pretty easy. You can keep a note about Mrs Jones in Mrs Smiths’ records.

**And what if you wanted to keep stuff that was special category data, like a copy if a photo id or a mobile number?**

Well then we’d have to look at an Article 9 justification and 9(2)(h) steps up to that plate very nicely.

**So, we can keep a note in Mrs Smiths’ records that her prescritions are collected by Mrs Jones from 123 Anystreet, Anytown along with her mobile number, and we don’t need to go through the complex process of GDPR consenting Mrs Jones to do so?**

Correct. But you will have to let Mrs Jones know that you are keeping her data in Mrs Smiths’ records. She’ll have to be made aware what data and why. That probably needs a Privacy Notice.

**So I hope that’s a simple neat and tidy answer to the problem.**

This was one I hadn’t thought of and came to me via the LMC feedback route. I’ve had it for a couple of weeks but there were larger issues to address first.

I can’t anticipate every possible GDPR issue.

So, if there are other unanswered questions, keep them coming. Send them to your LMC who will send them on to me. Although please do check all the other blogs first to make sure the answers not hiding in there somewhere already.

**And with that, this blog ends.**

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10th June 2018