

Disclosure UK – GDPR Factsheet

What is GDPR?

The [General Data Protection Regulation](#) (GDPR) is a set of new, Europe-wide data protection rules which came into effect on 25 May 2018. It is delivered through the Data Protection Act 2018 in the UK.

The GDPR aims to harmonise data privacy rules across Europe and gives greater protection and rights to individuals regarding their personal data. It also places greater responsibilities on companies and organisations who collect, manage and process people's personal data to ensure they do so appropriately, with the potential of large fines for those that do not comply.

The regulations apply to any company that works with EU citizens, irrespective of where the business is located.

"THE AIM OF THE GDPR IS TO PROTECT ALL EU CITIZENS FROM PRIVACY AND DATA BREACHES IN AN INCREASINGLY DATA-DRIVEN WORLD"

EUGDPR.ORG

Why is this relevant to Disclosure UK?

Disclosure UK is a pharmaceutical industry-led initiative to deliver a searchable database that shows payments and benefits in kind made by the pharmaceutical industry to doctors, nurses and other health professionals and organisations in the UK.

To deliver the database pharmaceutical companies and the ABPI must collect, process and display the personal data of healthcare professionals with whom pharmaceutical companies have worked. This means the GDPR rules are relevant to the way we deliver the database and how pharmaceutical companies interact with healthcare professionals.

The doctors, nurses, pharmacists and other health professionals working with the pharmaceutical companies also have new rights under the GDPR.

www.disclosureuk.org.uk

Disclosure UK



What is Personal Data?

Personal data is any information relating to a person that can be used directly or indirectly to identify them. The following types of personal data appear on the Disclosure UK database in relation to the healthcare professionals with whom the pharmaceutical industry works:

- ◆ Title
- ◆ Full name
- ◆ Specialty
- ◆ Role
- ◆ Principal practicing address
- ◆ Payment or benefits in kind (transfer of value) received from named pharmaceutical companies

What does this mean for you?

Like the current data protection rules, GDPR only applies to individuals so if you are looking on behalf of a healthcare organisation there will be no changes.

Under GDPR however, individuals have new rights in relation to their personal data including: the right to have their personal data deleted if it is no longer necessary for it to be kept, the right to object to data processing in some circumstances, the right to obtain a copy of the information that they have provided and to transfer it to another organisation.

In summary, you may notice differences in the following areas:

- ◆ **Transparency** – you should receive detailed information about how your personal data is processed.
- ◆ **Governance** – you should be able to see, or ask to see, how organisations are complying with new requirements with up-to-date policies and procedures.
- ◆ **Valid Consent** – you are most likely to be asked to give your consent for your information to be published on Disclosure UK. For consent to be valid, it must be freely given, for a particular purpose, separate from other information and must not be hidden in terms and conditions. Silence or inactivity is not valid consent.

“INDIVIDUALS HAVE THE RIGHT TO BE INFORMED ABOUT THE COLLECTION AND USE OF THEIR PERSONAL DATA. THIS IS A KEY TRANSPARENCY REQUIREMENT UNDER THE GDPR.”

ICO.ORG.UK



Consent is not the only way of lawfully processing personal data. An organisation can also process personal data on the basis that the processing is proportionate and in the legitimate interests of the organisation and does not harm an individual's interests.

There are **other grounds** that an organisation can rely on for the processing of personal data, but consent and legitimate interest are considered to be the most likely to be relevant for Disclosure UK.

- ◆ **Notifications** – in the event of a personal data breach there are new rules around what organisations need to report to the Information Commissioner's Office and when, including the circumstances in which those affected need to be notified. There are also bigger fines and penalties for companies failing to meet their obligations.

What does this mean for us?

As controllers and processors of personal data; pharmaceutical companies, the ABPI and the contractors with whom we work to deliver Disclosure UK have had to consider the way in which we deliver the database to meet the new requirements and ensure that your rights are met as outlined above.

The ABPI has reviewed its systems, records, policies, procedures and contracts with third parties, with respect to the management of the personal data that is contained within the Disclosure UK database, for which the ABPI is responsible.

Pharmaceutical companies working with healthcare professionals and making disclosures on Disclosure UK, must also take account of GDPR.

"THE GDPR APPLIES TO
'CONTROLLERS' AND
'PROCESSORS'."

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What is the difference between a data controller and a data processor?

A data controller is a company or organisation that decides the purpose and manner that personal data is used or will be used. For Disclosure UK, the pharmaceutical companies and the ABPI are both data controllers.

A data processor is a company or organisation that processes the data on behalf of the controller. Processing is obtaining, recording, adapting or holding personal data. For Disclosure UK this is our data partners C&C Group.



Who oversees GDPR in the UK?

The [Department for Culture, Media and Sport](#) is the Government body responsible for ensuring that UK law complies with the requirements of the GDPR. The [Information Commissioner's Office](#) (ICO) will be responsible for enforcing the law. The ICO has the power to conduct criminal investigations and issue fines. It is also offering companies and organisations information and support in complying with the requirements.

Who can I speak to about GDPR and Disclosure UK?

If you have any questions about GDPR and Disclosure UK, please contact us at info@disclosureuk.org.uk and we will be happy to help you.

You can find out more about GDPR in general from the [Information Commissioner's Officer](#).

