

KAFICO

— INFORMATION · GOVERNANCE · CONSULTANCY —

Data Protection Officer Newsletter



August 2021

Kafico Awards

To mark our 5th birthday, we held the first Kafico Awards on Friday 20th August.



Thank you to all our customers who submitted nominations for members of the team! Each award represents an element of our company core values and I can confirm that the following were awarded;

Inspire Confidence Award: Hannah Calway

Bring Solutions Award: Jeff Pullen

Challenge Yourself Award: Chris Hollis

Supporting Others Award: Hannah Calway

Well Done Team!

Disclosing Patient Details to local Authorities for Vaccination Activities.

We have been asked about whether it is appropriate for practices to share information with the Local Authorities where they want to undertake door knocking or pop up vaccination clinics that are targeted towards low up-take patient cohorts.

We have no concerns with this as it fits within the Secretary of State's COPI notices that require dissemination of patient data to support work during the pandemic.

Practices will just want to ensure that the amount of data appears minimal and proportionate and that the method of transfer is secure.

In Norfolk and Suffolk, the Local Authorities are signed up to the My Care Record sharing agreement which covers this type of flow. In other areas, if you are not sure if your authorities are signed up to an appropriate agreement, do let us know.

Compliance Review Started Notespace

Notespace are a service run under the umbrella of Oasis Information Secured. OASIS Group provide end-to-end records and information management services to clients across Europe. They specialise in records management, storage, cloud storage, GDPR and record destruction over a variety of sectors both public and private.

Kafico have been asked to review them as an option and we will conform our position in the coming weeks.

Healthy. IO (Home Kidney Testing Kits)

The Data Protection Impact Assessment for the above project has been signed off by us as your DPO.

You can review a copy [HERE](#) and raise any questions you might have.

Ensure you add Healthy.IO to your next PAL submission so they are added to your privacy materials moving forward.

Fourteen Fish Data Protection Compliance Concerns

We have been working through some concerns over the Fourteen Fish Data Processing Contract for some time now and unfortunately have been unable to obtain the necessary assurances to approve them.

Therefore, currently, as your DPO our formal advice is that continued use of the provider is not compliant with the Data Protection Act 2018 / UK GDPR. Should you decide that you wish to continue using them, you would need to ensure you have documented reasoning for this decision.

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So that you are aware, the current outstanding concerns are:

1. Security of processing clause 3b (in their contract) - "controller will only share with other medical professionals for training and assessment purposes." The Processor cannot stipulate who the controller can share this information with, the Controller may have to share with law enforcement or for the purpose of direct care. As the

Processor does not determine the purpose and manner of processing, Fourteen Fish should not place such restrictions on practices.

2. Use of Mailgun - their terms of service indicate that they do not process outside the UK but we have noted that they use Mailgun who appear to be outside the UK. They do not appear to have an appropriate safeguard for this transfer.

3. Recordings are no longer available once submitted to RCPG – this compromises the practices' ability to fulfil a subject access request or a right to rectification / right to erasure if the recordings are no longer available to them.

4. Lack of engagement with us, as DPO, to resolve the above issues. We have reached out to them numerous times and have received little to no satisfactory response. We communicated the final concerns above on the 9th of July 2021 and no response.

New Records Management Code of Practice 2020 Published

The new Records Management Code of Practice has been published, this takes into account the updated legislation as the previous code was released prior to the Data Protection Act 2018.

It helps provide guidance on keeping records and includes a wider scope than the previous version.

It can be found here: <https://www.nhsx.nhs.uk/information-governance/guidance/records-management-code/>