

CREATING A CONTROLLED ENVIRONMENT FOR ANALYTICS

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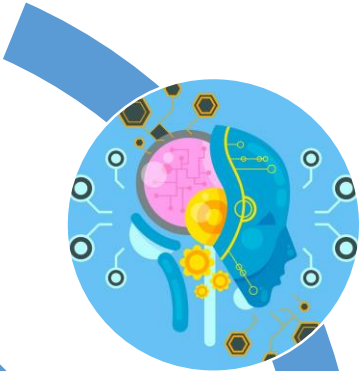
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Four Key Considerations

- Is your processing fair, lawful, necessary and proportionate?
- Are you transparent about what you are doing?
- Are you processing in a controlled environment?
- Is your use of data within the 'reasonable expectations' of a 'reasonable person'?

ICO High
Risk
Processing
List (Art. 35)



INNOVATIVE
TECHNOLOGIES
(e.g. ML/AI)



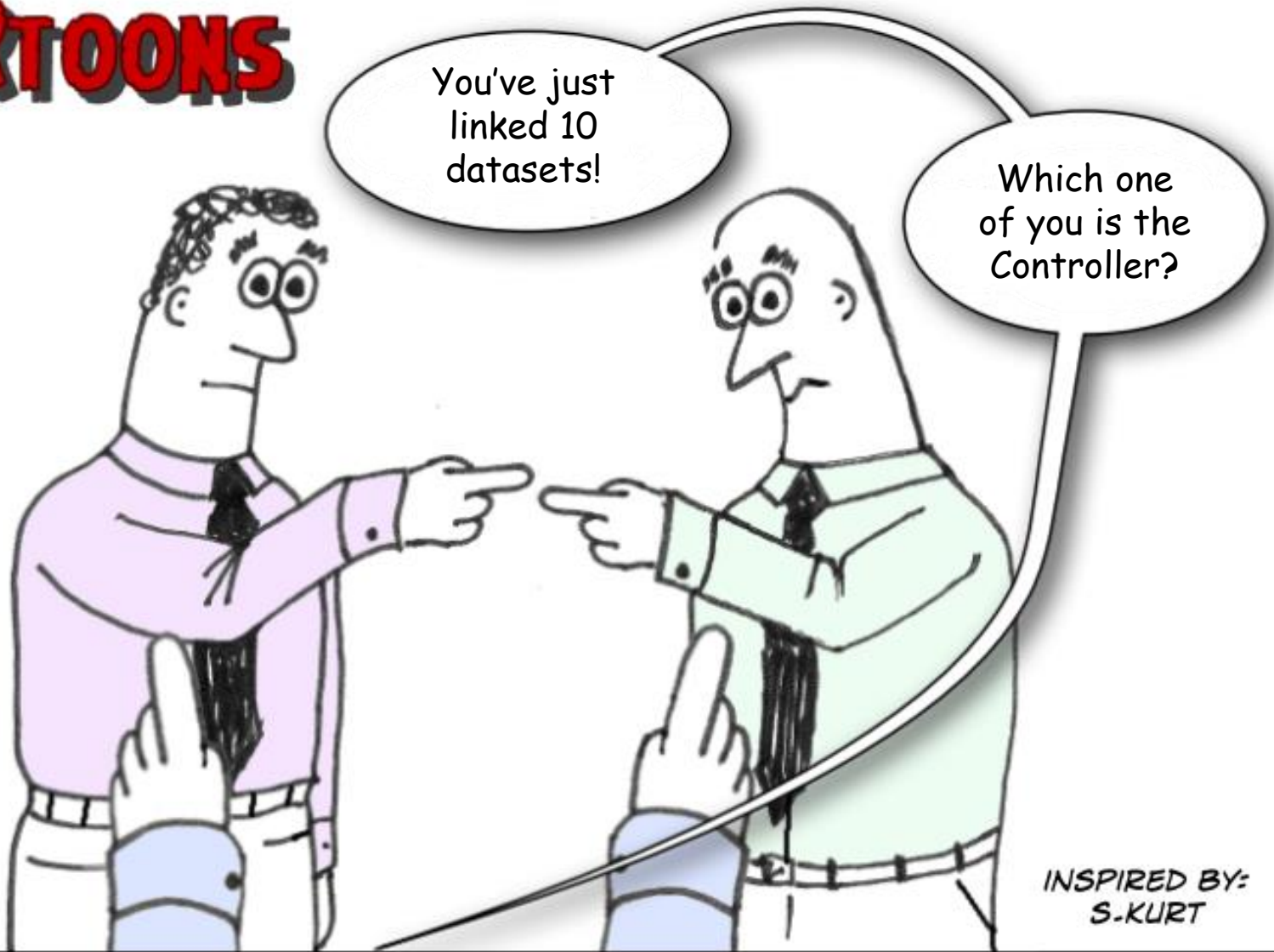
INVISIBLE
PROCESSING



DATA MATCHING
OR LINKING

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Invisible Control?

- Who decides 'purpose and manner'.
- Who ensures 'fairness and lawfulness'.
- Who decides 'necessity and proportionality'.
- How do I find out how my data is used?
- Who should I contact?
- Who is responsible?

Joint Control

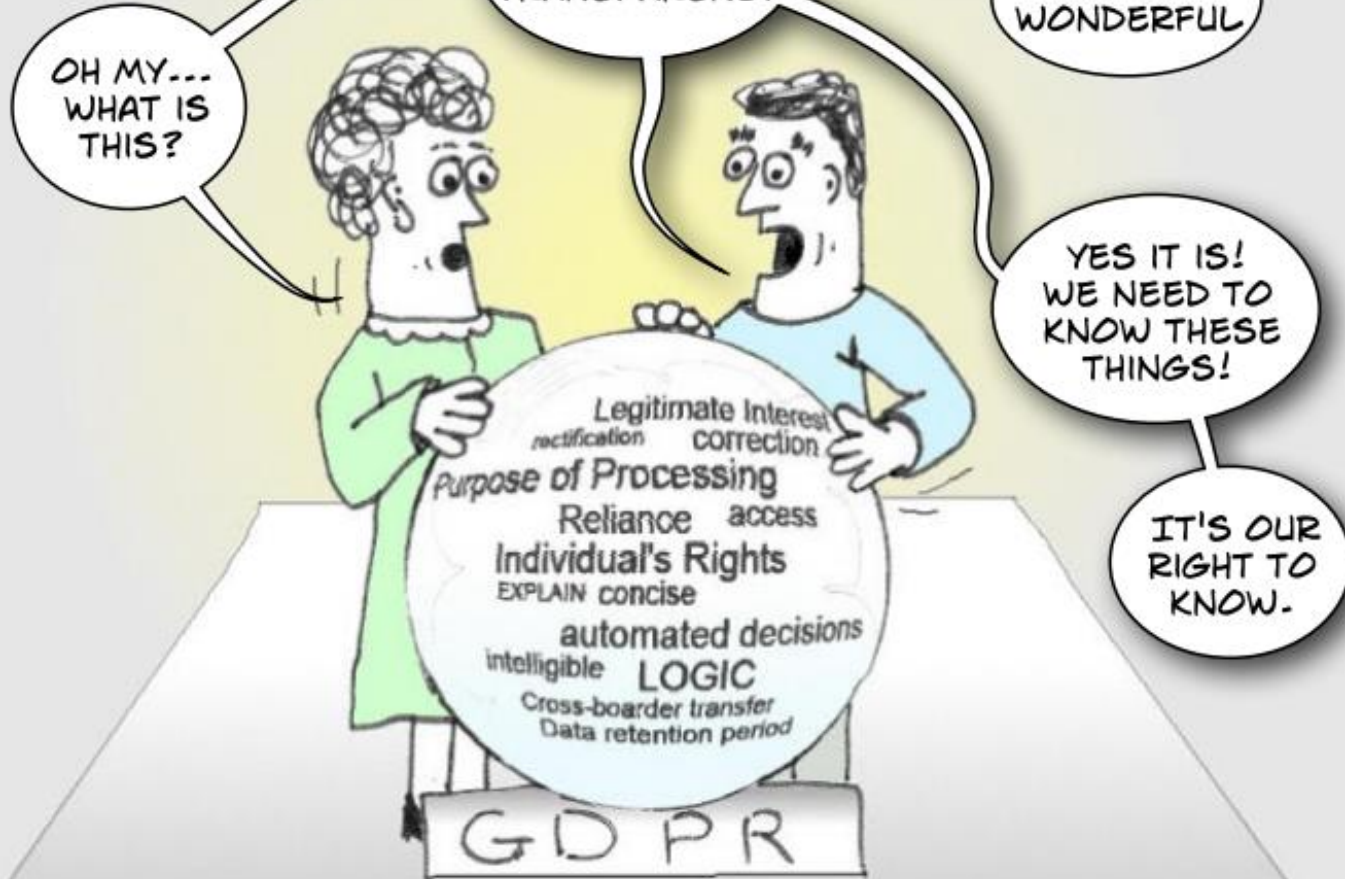
- “Where two or more controllers jointly determine the purposes and means of processing, they shall be joint controllers” (GDPR Art. 26)
- “They shall in a transparent manner determine their respective responsibilities for compliance ... by means of an arrangement between them”

Controlled Environment for Analytics

- Defined system or service:
 - Integrated Care System (Commissioners and Providers)
 - Primary Care Network.
- Joint Controller Agreement (“the arrangement”).
- Agreed Joint Purposes.
- Defined Jointly Controlled Data.
- Governance (Organisational) Controls
 - Analytics Board - Assurance
 - Operating Model - Standard Operating Procedures
 - Roles DPO; CG (Art 9(3) responsible professional).
 - DPIA / Data Access License / Processor Contracts
 - Transparency - Model Clauses (Privacy Notice)
- Technical Controls
 - Role Based Access Controls (RBAC)
 - Pseudonymisation

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Common Law Duty of Confidence

- The curious case of Albert v Strange
- Case Law – Source Informatics
- GDPR and the CLDC
- Spanner in the works ... or reality check?
- ‘Reasonable Expectations’

Questions