

By email only: pharmacyconsultations@health-ni.gov.uk

13 December 2023

Dear Department of Health (DoH),

Re: GPP NI 2030 - a strategy for general practice pharmacy in Northern Ireland

The ICO welcomes the opportunity to respond to the above public consultation. As you will be aware, the ICO is the UK's independent public authority set up to uphold information rights and enforces and oversees a range of legislation including the Freedom of Information Act (FOIA), the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018).

We recognise that the draft strategy aims to implement recommendations made within the 2020 Pharmacy Workforce Review, specific to general practice pharmacy (GPP), with the overall objective of delivering improvements in patient and population health outcomes. If the recommendations and actions outlined within the consultation document require the processing of personal data, DoH must be mindful of and adhere to data protection legislation and embed data protection considerations from the outset. We have provided some guidance below to help you implement the strategy with this in mind.

- **Data protection by design and default**

To ensure that the proposed strategy is applied in an appropriate manner, DoH must consider their obligations under [data protection by design and default](#). Putting in place the appropriate technical and organisational measures throughout the drafting and implementation of the strategy will ensure that DoH and other relevant data controllers are accountable for how their processing complies with data protection legislation.

[Data protection impact assessments \(DPIA's\)](#) are an integral part of data protection by design and by default. A DPIA is a tool that can be used to identify and reduce the data protection risks of your processing activities. They can also help you to design more efficient and effective processes for handling personal data. It is good practice to undertake a DPIA when embarking on a new project involving personal data, however a DPIA is required in certain circumstances, such as where the processing is [likely to result in a risk to rights and freedoms](#).

Some of the themes and recommendations set out within the strategy explore the use of innovation to help optimise individual and population health outcomes. It is important to note that the use of any [innovative technology](#) may trigger the need for a DPIA. This is because the use of such technology can involve novel forms of data collection and use, possibly with a high risk to individuals' rights and freedoms. The use of artificial intelligence (AI) is an example of processing using innovative technology.

- **Artificial intelligence**

The strategy makes reference to the use of AI to support pharmacists to use data in intelligent ways, therefore it is important that all relevant data controllers explore our guidance on [AI and data protection](#) in detail before deploying any AI systems which process personal data. The ICO understands the benefits that AI can bring to GPP and individual patients, but there are risks too. Enabling good practice in AI is one of the ICO's priority areas and we have launched dedicated [ICO innovation services](#) to support organisations with new and novel projects involving personal data.

- **Personal data**

The consultation outlines how the strategy will involve the processing of patient data to improve health outcomes for the population of Northern Ireland. DoH must consider whether the data processed will constitute [personal data](#), and if health information relating to patients is being processed or can be inferred, this will constitute [special category data](#). The UK GDPR gives extra protection to this type of data as it is more sensitive in nature therefore, in addition to an applicable [lawful basis](#), any relevant data controllers must also have a [condition for processing](#) in place.

If the implementation of the strategy does not require the identification of patients, the relevant controllers must consider [anonymising](#) patient data. Personal data that has been anonymised is not subject to the UK GDPR and this therefore limits processing risks and will benefit the data subjects. During the anonymisation process, it is important to consider personal information and identification in its [broadest sense](#). Controllers should also be mindful of [jigsaw](#) identification.

If anonymisation is not possible, [pseudonymisation](#) should be considered to help maintain the confidentiality of an individual's identity. More information on these techniques can be found in our [draft anonymisation, pseudonymisation and privacy enhancing technologies guidance](#).

- **Accountability and governance**

The consultation document makes reference to the 'development and implementation of robust medicine governance processes' by pharmacists who are working as 'autonomous clinicians', therefore we would like to draw your attention to the ICO's [accountability framework](#).

Accountability is one of the [key principles](#) in data protection law which makes data controllers responsible for complying with the legislation and says that they must be able to demonstrate their compliance. Consideration must be given to autonomous clinicians working in GPP and how they can demonstrate their compliance. This will help to minimise the risks of what they do with personal data by adhering to the appropriate and effective policies, procedures and measures.

- **Controllership**

It must be clear who the [data controllers, joint controllers and/or processors](#) are in relation to the data processing, particularly in relation to the role of pharmacists working as 'autonomous clinicians'. Carrying out a data mapping exercise may be particularly useful in this respect, and it will help all parties to understand their roles in relation to any processing of personal data. This will be of particular importance when actioning the recommendations outlined within the strategy.

- **Data sharing**

Some of the proposals within the consultation refer to the sharing of information, for example, in situations where patients need to be referred to services offered by third party providers. In circumstances such as these, all parties will find it useful to consult our [data sharing code of practice](#) to ensure the sharing of any personal information is compliant with data protection law and any other policies and procedures relevant to healthcare settings.

- **Training**

We welcome the emphasis placed on education and training throughout the consultation document. It is extremely important that the GPP workforce are provided with [practical data protection training](#) specific to their roles and such training should be refreshed on a regular basis.

Please note that the points above are not exhaustive, and it is important that DoH ensures any further drafts of the strategy, its implementation and the resulting data processing is compliant with all aspects of data protection law. Please consult our [Guide to the UK GDPR](#) for more detailed guidance.

Please do not hesitate to get in touch if you have any questions.