

COUNTRY: UNITED KINGDOM

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
Legislation	<u>The Data Protection Act 1998</u>	Data protection <u>Act</u> 2018
Legal grounds applicable to scientific research purposes	Health data could be processed on the basis of consent and for medical purposes (which includes medical research)	Health data may be processed on the basis of consent and scientific research purposes.
Safeguards required - Conditions framing the processing of health data for scientific research purposes	<ul style="list-style-type: none"> - Notification to the Data Protection Authority - General quality of processing conditions. - Processing of health data for scientific research: by a health professional, or someone with an equivalent confidentiality duty - When sharing : the use the NHS number was required. 	GDPR requires the implementation of specific safeguards, moreover, the processing must be realised by a health professional or someone with an equivalent duty of confidentiality
Conditions for further processing of health data	Further processing required either notification to the data protection authority or consent.	The conditions are the same for the initial processing; they complemented by requirements of: <ul style="list-style-type: none"> • Confidentiality • Approval by health committee. • Anonymised or pseudonymised when possible.
What are the rights of the data subject?	Data subjects had a right to be informed and a right to access the data processed concerning.	The GDPR provides the following rights: right to access by the data subject (Article 15); right to rectification (Article 16); right to erasure (Article 17); right to restriction of processing (Article 18); right to data portability (Article 20); as well as a right to object (Article 21).
Possible derogations from the rights of the data subject	Derogation from the obligation to request consent was admitted if it was genuinely not practicable and with the authorisation of health research authority.	Derogations to the rights of access, restriction, rectification and objection are admitted under certain circumstances.