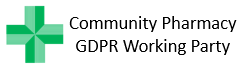


**The General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2017**

Part 3: Community Pharmacy Workbook

Version 2: May 2018



**With thanks to the Community Pharmacy GDPR Working Party for sharing resources**

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# **Template A: Decide who is responsible**

**Pharmacy company/contractor:** *Click or tap here to enter text.*

The pharmacy company/contractor is the data controller and is ultimately responsible and accountable for data protection and implementation of the GDPR.

**Person(s) responsible for GDPR compliance:** *Click or tap here to enter text.*

**Superintendent pharmacist (if applicable):** *Click or tap here to enter text.*

**Directors and officers (senior members of staff) with specific responsibilities for data protection and implementation of GDPR:**

|  |  |
| --- | --- |
| **Staff Member** | **Responsibility** |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

**Data Protection Officer (If required):** *Click or tap here to enter text.*

The DPO may, or may not, be a member of staff.

The DPO has responsibilities set out in the GDPR – guidance may be found in the Information Governance Alliance’s document [*Guidance on the role of the Data Protection Officer*](https://digital.nhs.uk/media/35501/IGA-Guidance-on-the-GDPR-DPO-V1-FINAL/pdf/IGA_-_Guidance_on_the_GDPR_DPO_V1_FINAL).

# **Template B: Action Plan**

**Plan for implementation Date achieved**

Decide who is responsible *Click or tap here to enter text.*

Table of personal data processed *Click or tap here to enter text.*

Identify lawful basis for processing *Click or tap here to enter text.*

Process according to data protection principles *Click or tap here to enter text.*

Review and check with your processors *Click or tap here to enter text.*

Obtaining consent (Only if required) *Click or tap here to enter text.*

Security review and ready for breaches *Click or tap here to enter text.*

The Fair Processing Notice *Click or tap here to enter text.*

Consider subject rights *Click or tap here to enter text.*

DPO appointed *Click or tap here to enter text.*

Think about privacy by design *Click or tap here to enter text.*

Data protection impact assessment *Click or tap here to enter text.*

Paid annual fee to the ICO *Click or tap here to enter text.*

**For completion by 25 May 2018**

# **Template C: Record the types of personal data which you process and your legal basis for each activity**

This should be reviewed at least annually. You need to keep additional records if you transfer data overseas, or for additional business practices such as direct marketing.

**Activity: All processing including receipt, generation, dispensing, storage and submission of data on NHS paper and electronic prescriptions. This includes all Acute Medication Service and Serial form types, non-electronic form types, MAS prescriptions and prescriptions for services underpinned by UCF.**

|  |  |
| --- | --- |
| **Purpose** | Patient care and the supply of medicines. |
| **Lawful basis for processing personal data** | Article 6(1)(e) of the GDPR.  Necessary for the performance of a task in the public interest.  Legal obligation: NHS Scotland Pharmaceutical Services Regs |
| **Special category of personal data** | Yes, data concerning health. This data may also be another special category of personal data. |
| **Basis for processing special category of data** | Article 9(2)(h) of the GDPR (including the Data Protection Act 2017).  ‘the provision of health care or treatment’ or ‘the management of health care systems or services or social care systems or services’ or ‘necessary for reasons of public health in the area of public health’. |
| **How is data collected?** | The patient, or the patient’s representative, a prescription, another healthcare professional or employee of the NHS, as appropriate |
| **How is data stored?** | Primarily electronically on the PMR system, but also secure NHS e-mail or equivalent, the Pharmacy Care Record, CD or Specials registers and other paper filing systems as relevant and necessary. Physical prescription forms and patient information on dispensed medication are also stored in pharmacy. |
| **How long is data stored?** | This will depend on the nature of the data and the filing system. For example, legislation dictates that Controlled Drug registers be kept for up to 7 years, whereas PMR data should be kept for as long as the patient lives plus 10 years. A sample retention policy is included (Annex A). |
| **To whom do you provide the data (recipients)? (including processors)** | GP practices, other prescribers and other staff in the NHS (e.g. hospitals on admission) on a case-by-case basis for clinical benefit. Prescription information to PSD to allow payment and contribute to national statistical work. Only relevant information to those external to the NHS who negotiate and check our payments; relevant information to NHS organisations and others such as the GPhC for compliance and enforcement purposes |
| **Date confirmed that this applies to your pharmacy** | *Click or tap here to enter text.* |

**Template C continued**

**Activity: Additional records associated with dispensing medicines, for example, public health services (EHC, Smoking Cessation etc.), signposting and support for self-care records (e.g. MAS advice/referral); CMS PCR records and other pharmacy records, for example, patient safety incident log, delivery services (a non-NHS service) and pharmacy audits.**

|  |  |
| --- | --- |
| **Purpose** | Patient care and the supply of medicines. |
| **Lawful basis for processing personal data** | Article 6(1)(e) of the GDPR.  Necessary for the performance of a task in the public interest.  Legal obligation: NHS Scotland Pharmaceutical Services Regs |
| **Special category of personal data** | Yes, data concerning health. The data may also be another special category of personal data depending on individual circumstances. |
| **Basis for processing special category of data** | Article 9(2)(h) of the GDPR (including the Data Protection Act 2017).  ‘the provision of health care or treatment’ or ‘the management of health care systems or services or social care systems or services’ or ‘necessary for reasons of public health in the area of public health’. |
| **How is data collected?** | The patient, or the patient’s representative, a prescription, another healthcare professional or observations made by pharmacy staff. |
| **How is data stored?** | Primarily the PMR system, but also secure NHS e-mail or equivalent, the Pharmacy Care Record and other electronic and paper filing systems as relevant and necessary. |
| **How long is data stored?** | This will depend on the nature of the data and the filing system. For example, the law dictates that records of extemporaneous dispensing may be kept for up to 28 years, whereas data regarding clinical interventions should be kept for as long as the patient lives plus 10 years. A sample retention policy is included (Annex A). |
| **To whom do you provide the data (recipients)? (including processors)** | As appropriate: GP practices, PSD and others in the NHS (e.g. hospitals on admission). Only relevant information to Local authorities, Health Boards and to those external to the NHS who negotiate and check our payments; and to NHS organisations and others such as the GPhC for compliance and enforcement purposes. |
| **Date confirmed that this applies to your pharmacy** | *Click or tap here to enter text.* |

**Template C continued**

**Activity: Private Prescriptions and other non-NHS services**

|  |  |
| --- | --- |
| **Purpose** | Patient care and the supply of medicines. |
| **Lawful basis for processing personal data** | Part of a contract with the data subject to provide health-related services. |
| **Special category of personal data** | Yes, data concerning health (this could include information on a disability). The data may also be another special category of personal data. |
| **Basis for processing special category of data** | Article 9(2)(h) of the GDPR (including the Data Protection Act 2017).  ‘the provision of health care or treatment’ |
| **How is data collected?** | The patient, or the patient’s representative, a prescription, another healthcare professional, or an online private service, as appropriate. |
| **How is data stored?** | Primarily the PMR system, but also e-mail or equivalent, POM, CD or Specials registers, as relevant and necessary. Hard copy prescriptions. |
| **How long is data stored?** | This will depend on the nature of the data and the filing system. For example, the law dictates that private prescriptions are kept for at least 2 years, whereas data regarding clinical interventions e.g. PMR record should be kept for as long as the patient lives plus 10 years. A sample retention policy is included (Annex A). |
| **To whom do you provide the data (recipients)? (including processors)** | GP practices, NHS Business Services Authority (controlled drug prescriptions for schedule 2 and 3 drugs only for information, not payment) and others in the NHS (e.g. hospitals on admission); relevant information to others such as the GPhC for compliance and enforcement purposes |
| **Date confirmed that this applies to your pharmacy** | *Click or tap here to enter text.* |

**Template C continued**

**Activity: Employment records**

|  |  |
| --- | --- |
| **Purpose** | Employment purposes – staff appraisals, contracts etc. and tax and NI purposes |
| **Lawful basis for processing personal data** | Article 6 (1) (b) contract of employment and (c) compliance with legal obligations |
| **Special category of personal data** | The data may include special category data for the purpose of avoiding unlawful discrimination |
| **Basis for processing special category of data** | Article 9 (2) (a) Explicit consent |
| **How is data collected?** | From employees and referees |
| **How is data stored?** | Paper and electronic records |
| **How long is data stored?** | *Click or tap here to enter text.* |
| **To whom do you provide the data (recipients)?**  **(including processors)** | *Click or tap here to enter text.* Example: company which is a processor for payroll purposes |
| **Date confirmed that this applies to your pharmacy** | *Click or tap here to enter text.* |

**Template C continued**

**Activity: CCTV monitoring**

|  |  |
| --- | --- |
| **Purpose** | To monitor premises with the intent of keeping them safe and secure; employee and customer safety measure |
| **Lawful basis for processing personal data** | Article 6 (1) (f) legitimate interests of the business |
| **Special category of personal data** | N/A |
| **Basis for processing special category of data** | N/A |
| **How is data collected?** | Via closed-circuit camera systems |
| **How is data stored?** | *Click or tap here to enter text.* |
| **How long is data stored?** | *Click or tap here to enter text.* |
| **To whom do you provide the data (recipients)?**  **(including processors)** | May be requested by Police Scotland for crime prevention purposes. This would be on a case-by-case assessment of a signed order for release of the data. |
| **Date confirmed that this applies to your pharmacy** | *Click or tap here to enter text.* |

**Template C continued** (For other identified processing of personal data)

**Activity:** *Click or tap here to enter text.*

|  |  |
| --- | --- |
| **Purpose** | *Click or tap here to enter text.* |
| **Lawful basis for processing personal data** | *Click or tap here to enter text.* |
| **Special category of personal data** | *Click or tap here to enter text.* |
| **Basis for processing special category of data** | *Click or tap here to enter text.* |
| **How is data collected?** | *Click or tap here to enter text.* |
| **How is data stored?** | *Click or tap here to enter text.* |
| **How long is data stored?** | *Click or tap here to enter text.* |
| **To whom do you provide the data (recipients)?** | *Click or tap here to enter text.* |
| **Date confirmed that this applies to your pharmacy** | *Click or tap here to enter text.* |

# **Template D: Process according to data protection principles**

|  |  |  |
| --- | --- | --- |
| **Principle for each activity** | **Issues to consider** | **Confirm date considered** |
| Lawfully | All your processing is lawful – Template C  *Click or tap here to enter text.* | *Click or tap here to enter text.* |
| Fairly and transparent | A fair processing notice is provided to data subjects, as appropriate and we will consider objections to any processing – Template G  *Click or tap here to enter text.* | *Click or tap here to enter text.* |
| Adequate, relevant and limited for the purposes | Personal data available only to those who need to see it for the work they do. For appropriate processing, the data subject’s name is generally redacted (pseudonymised data is processed).  *Click or tap here to enter text.* | *Click or tap here to enter text.* |
| Accurate/up to date | Records are accurate and, if relevant, up to date. Processes in place to amend in response to a patient rights request.  *Click or tap here to enter text.* | *Click or tap here to enter text.* |
| Form in which identification kept for no longer than necessary | Psedonymisation/redaction of personal details, has been considered, as appropriate.  *Click or tap here to enter text.* | *Click or tap here to enter text.* |
| Security | An appropriate person has provided assurances that your computer, IT and web-based systems are secure. Steps have been taken to check that personal data is not accessible to unauthorised persons  If any personal data processed by the pharmacy is taken out of the pharmacy on a memory stick or other portable device, it is encrypted.  *Click or tap here to enter text.* | *Click or tap here to enter text.* |
| Integrity | Data is backed up so that it is protected against accidental loss or damage.  *Click or tap here to enter text.* | *Click or tap here to enter text.* |

# **Template E: Review and check with your processors**

Identify your processors – those who processes personal data for you – to enable you to ensure that they process the data in accordance with the GDPR; and that you are providing your processors with only as much personal data as they need to do the work you have asked them to do.

You may have to write to your Processor to seek assurances or assurances may be provided to you automatically. The assurances may be provided in the contract between you and the processor and in due course standard terms may be provided by the ICO or IGA.

List your Processors and confirm the assurances sought and given

|  |  |  |
| --- | --- | --- |
| **Processor** | **Date letter sent requesting assurances**  *(template letter available overleaf)* | **Date confirmation received from the processor** |
| NHS Scotland, NSS/PSD | N/A | Confirmed as part of the NHS system set out in legislation |
| *Click or tap here to enter text.* | *Click or tap here to enter text.* | *Click or tap here to enter text.* |
| *Click or tap here to enter text.* | *Click or tap here to enter text.* | *Click or tap here to enter text.* |

You may only use those processors providing sufficient guarantees to implement appropriate technical and organisational measures that processing will meet the requirements of the GDPR and ensure the protection of the rights of the data subject.

You may well be a processor for other data controllers, in which case you may have to provide information and assurances to them.

|  |  |  |
| --- | --- | --- |
| **Data controller** | **Date letter received from data controller** | **Date confirmation given to data controller** |
| *Click or tap here to enter text.* | *Click or tap here to enter text.* | *Click or tap here to enter text.* |
| *Click or tap here to enter text.* | *Click or tap here to enter text.* | *Click or tap here to enter text.* |
| *Click or tap here to enter text.* | *Click or tap here to enter text.* | *Click or tap here to enter text.* |

Date Pharmacy company

Pharmacy Company’s address

Processor

Address of Processor

Dear

I write concerning the introduction of the General Data Protection Regulation (GDPR) on 25 May 2018.

We are obliged to ensure to seek the following assurances from you about the personal data you process on our behalf, as part of our contract with you.

1. You will only process the personal data – the purposes and means of processing -in accordance with the contract we have with you and our documented instructions;
2. You will not ask any other person to process the personal data for you without our express permission or according to our general authorisation; and if another person does process the personal data, that person will agree to the relevant contractual terms and these assurances.
3. You will keep the personal data confidential and secure, as required by the GDPR, and ensure that only authorised personnel access the personal data;
4. You will assist us so that we can fulfil our responsibilities to data subjects and their data rights;
5. You will notify and assist us with any personal data breaches that you may have, to ensure we can comply with our obligations under the GDPR.
6. You will assist us as required with appropriate security, communication of personal data breaches to data subjects, and any consideration of Data Protection Impact Assessments, as required for our compliance with the GDPR (for which you may make a reasonable charge);
7. You will delete or return all the personal data at the end of the contract or relevant part of it.
8. You will make available and contribute information as required for us to comply with obligations under the GDPR and audits, including inspections, as we require or an auditor working on our behalf (for which you may make a reasonable charge), and inform us immediately if any instruction or other data protection provision stops you from doing this.

I look forward to receiving your written confirmation, by signing and returning to us a copy of this letter.

Yours faithfully/sincerely

………………………………………………….. ……………………………………………….

Signed for the pharmacy company Signed and dated by the Processor

# **Template F: Obtain consent if you need to**

**Note:** Pharmacies have a lawful basis for processing personal data because of the performance of a task carried out in the public interest (stage 1) and for the provision of health or social care or treatment or the management of health or social care systems (stage 2).

For other activities, you may need to seek consent for the processing of personal data.

**Consent**

If you process personal data lawfully by consent, from 25 May 2018, the consent must be GDPR compliant **and** recorded.

GDPR compliant consent is a freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her. Consent gained by pre-ticked consent boxes is not valid consent under the GDPR.

If you process a special category of personal data, such as data concerning health, you must have the **explicit consent** of the patient, or data subject if you are relying on ‘consent’ to lawfully process the personal data (or have another reason for processing it listed in Article 9 of the GDPR).

**Explicit consent** is intended to be more specific than ‘consent’, and must be confirmed in words, rather than by any other positive action i.e. the person giving consent must signal agreement to an explicit statement in words such as ‘I consent to emails about your products and special offers’.

If you collect personal data for marketing purposes, you should read the ICO’s guidance on consent.

As well as the person’s consent being recorded, you should record, date and version-control your consent statements such that on audit it would be clear to see exactly what a person has given consent to at the time of signing.

|  |  |  |
| --- | --- | --- |
| **Purpose** | **How do you collect consent? (e.g. delivery service form, online shopping basket form etc.)** | **Where are the consent statement and individual records of consent stored?** |
| I use the names and addresses and/or e-mail address of those for whom I dispense prescriptions to offer other services provided by my pharmacy. | Explicit consent obtained on:  *Click or tap here to enter text.*  *(Date)* | Explicit consent recorded in:  *Click or tap here to enter text.*  *(Name filing system/computer)* |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

# **Template G: Tell people about your Fair Processing Notice**

A key principle of the GDPR is making sure that you give data subjects concise, transparent and easy-to-understand information about the processing of their personal information and their rights – sometimes called a fair processing or privacy notice.

When you collect personal data from a data subject you must provide the data subject with relevant information. This should be available on the pharmacy premises which patients can access, for example, in a poster or the practice leaflet, and, if appropriate, on the pharmacy website (A website notice will probably be different from one in the pharmacy) and you should draw the attention of new customers to the fair processing notice. This might be done verbally or by using a sign in a prominent place.

An example notice which may be suitable for use in a community pharmacy is given below:

**Pharmacy Fair Processing Notice**

*Click or tap here to enter text.* *(pharmacy company name and contact details)*

We process your personal data, which includes information from your prescriptions and any other pharmacy and health care services we provide to you (including the minor ailments service, chronic medication service, stop smoking services etc.) for the purposes of:

**Your care** – providing pharmacy services and care to you and sharing your information with your GP and others in the wider NHS, as appropriate;

**Our payments** – sharing your information with NHS NSS Practitioner Services, others in the wider NHS, and sometimes Local Authorities, and only relevant information to those external to the NHS who negotiate and check the accuracy of our payments; and,

**Management** – sharing only relevant information with NHS NSS Practitioner Services and others in the wider NHS, and sometimes Local Authorities; as well as those external to the NHS who ensure we maintain appropriate professional and service standards and that your declarations and ours are accurate.

Because we provide NHS and private healthcare services, we have a legal obligation to collect and use personal data to ensure that the service we provide is safe and effective, and that our record keeping is in line with the law. If you do not provide this information, it may restrict which pharmacy services are available to you.

We hold your information for as long as advised by the NHS. You have a right to a copy of the information we hold for you (in paper or electronic form) and generally without charge. You may seek to rectify any inaccurate information.

You may object to us holding your information. You may lodge a complaint with the Information Commissioner’s Office.

Our Data Protection Officer is: *Click or tap here to enter text.*

# **Template H: Ensure security but be ready for data breaches**

The GDPR requires data controllers to take appropriate technical and organisational measures, and adopt appropriate policies, to ensure personal data is processed securely.

|  |  |  |
| --- | --- | --- |
| **Security issues** | **Measures** | **Date measures confirmed** |
| Physical | Premises security appropriate for location  Keys for the pharmacy (and controlled drugs cabinet) held by authorised persons only  Access to PMR system and paper prescriptions by authorised persons only  *Click or tap here to enter text.* | *Click or tap here to enter text.* |
| Electronic | PMR system, Electronic prescriptions, access to the NHS spine, access to NHS mail and the PCR by authorised persons only  Access to the internet is secure and there is no unauthorised access  Security of the electronic systems is assured by  *Click or tap here to enter text.*who also tests the security of the system.  Any personal data removed from the premises is encrypted  *Click or tap here to enter text.* | *Click or tap here to enter text.* |
| Human | Staff have appropriate training for the roles they carry out  Staff have appropriate GDPR training for their role including an understanding of personal data breaches and what to do and who to report to  *Click or tap here to enter text.* | *Click or tap here to enter text.* |

Pharmacies will need to rely on appropriate experts to provide the relevant technical assurances, for example, their PMR suppliers and PharmOutcomes or others providing technical support.

**Template H (continued)**

**Personal Data Breaches**

In the case of a personal data breach, you must notify the ICO without undue delay, and no later than 72 hours after you first become aware of the breach. The only exception to this is if the breach is unlikely to cause harm to the rights and freedoms of the data subject – even if this is the case, the breach should still be recorded internally.

Any notification must describe the nature of the breach, such as numbers of data subject, records and what was lost e.g. prescriptions; the name and contact details of the DPO; likely consequences of the breach; measures you have taken, for example to mitigate any adverse effect. Where any information is not possible to provide immediately, it must be provided as soon as it is available.

You must document any data breaches, as above, even if they are not notified to the ICO. The ICO may inspect your records to verify you are keeping such records.

|  |  |  |  |
| --- | --- | --- | --- |
| **Personal data breach** | **Remedial action** | **Date and time of breach** | **Date reported to ICO, if relevant** |
| e.g. prescription bundle lost by courier | Discussed with courier and location of bundle unknown | Yesterday between 12 noon and 3pm on date ……. | Reported to the ICO today at 10am |
| *Click or tap here to enter text.* | *Click or tap here to enter text.* | *Click or tap here to enter text.* | *Click or tap here to enter text.* |
|  |  |  |  |
|  |  |  |  |
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# **Template I: Consider and be ready for data subject rights**

|  |  |
| --- | --- |
| **Data Subject Right** | **Details** |
| The right to be informed | Fair processing notice |
| The right of access | Provide the information you hold on the data subject free of charge within one calendar month, unless you explain why not and give option of lodging a complaint to the ICO |
| The right to rectification | This may not mean changing the record but will at least mean adding a note of explanation to the record |
| The right to erasure | Generally, not relevant to pharmacy records such as prescription records, but erasure might be appropriate for an individual record, particularly after you have considered an objection on its own merits |
| The right to restrict processing | For example, while the accuracy of the data is verified, or because you intend to destroy the record according to your protocols, but the data subject wants you to keep it for the purposes of their legal claim |
| The right to data portability | This right applies only in certain circumstances, for example if the processing of the personal data is automated. |
| The right to object | Your data subjects have the right to object to you processing their data and if they do you will have to consider whether your need to continue processing (e.g. holding a record) overrides their interests, rights and freedoms. |
| Rights in relation to automated decision making and profiling. | This right is generally not relevant to community pharmacy |

The right to object is relevant to pharmacy because lawful processing is based on the ‘public interest’. If a data subject objects to you processing his or her data you will need to demonstrate ‘compelling, legitimate grounds for the processing which overrides the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

In brief, generally any personal data you collect by consent must be deleted if consent is subsequently withdrawn, with various exceptions including potential legal proceedings. This is another reason why consent is not an appropriate legal basis for the majority of community pharmacy operations.

A person does not formally have to express their wish to exercise any of these rights – you and your staff will have to be able to recognise when a rights request is being made which might involve clarifying this with the data subject.

You should read about these rights in more detail on the ICO website and seek advice if you receive a data subject request with which you are unfamiliar.

# **Template J: Data protection impact assessment**

Data controllers with large scale processing of special categories of personal information that are introducing new technologies or changing practices and procedures that affect the processing of personal data, must carry out a data protection impact assessment (DPIA).

The assessment should include a description of the processing operations and the purposes; an assessment of the necessity and proportionality of the processing in relation to the purpose; an assessment of the privacy and related risks; and, the measures in place to address those risks, including security, to demonstrate that you comply. Where appropriate, the views of data subjects, including patients, should be sought.

|  |  |  |
| --- | --- | --- |
| **Activity** | **Comments** | **Date considered** |
| Introduction of any dispensing robot | An appropriate assessment should be carried out | *Click or tap here to enter text.* |
| Home delivery of medicines | The pharmacy has adopted a protocol which ensures the dispensed medicine is delivered safely and in accordance with professional guidelines and standards; and the patient’s personal data are not subject to unauthorised disclosure | *Click or tap here to enter text.* |
| Etc.  *Click or tap here to enter text.* | *Click or tap here to enter text.* | *Click or tap here to enter text.* |

**Acknowledgements**

We would like to thank the Community Pharmacy GDPR Working Party for sharing the structure and content of their guidance with us.

**Version Control**

Version 1: April 2018

Version 2: May 2018 – change in advice re: DPO

# **Annex A: Suggested Data Retention Policy**

Please note: Where the reason for keeping is “Legal”, the retention period is definitive. The remainder are taken from Scottish Government Records Management policies and other documents which outline best practice. Organisations may choose to keep documents for less or more time than is recommended, but are advised to weigh up the needs for retention against the risk of destruction before doing so, taking into account the rights of the data subject under the GDPR.

Disclaimer: Every effort has been made to ensure all required records have been listed. If in doubt, pharmacists are advised to read the relevant legislation and to seek appropriate advice. Reference: <https://www.sps.nhs.uk/articles/retention-of-pharmacy-records/>, accessed 21/03/2018

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Record** | **Reason for keeping** | **Minimum retention period** | **Comments** |
| **Dispensing** | PMR | Legal | 10 years after the death of the patient | Backup to archives likely |
| Private Prescriptions | Legal | 2 years | The Human Medicines Regulations 2012 (regulation 253 (5)) |
| POM Register | Legal | 2 years from last entry | The Human Medicines Regulations 2012 (regulation 253 (5)) |
| POM-V and POM-VPS records of receipt and supply | Legal | At least 5 years | Veterinary medicines regulations 2009 (SI 2297). Must keep all documents relating to the transaction. Specific requirements for what information must be included. |
| Patient authorisations for managed repeat systems | Audit | Six months after the last prescription is collected. | This is a minimum and individual businesses may choose to retain for longer |
| **Pharmaceutical Services** | PCR records | Legal | As per PMR records: 10 years after the death of the patient |  |
| PGD records | Legal | Minimum 7 years – refer to individual PGDs as these may state longer retention periods which would supersede the Pharm. Services legislation. | Pharmaceutical Services Regulations 2009 |
| Sexual Health Services | Audit | For adults aged 18 and over: 10 yrs For a child: until the 25th birthday or 10 yrs (whichever is longer) | Best practice – local PGDs may differ. |
| Stoma Customisation records | Audit | 1 year after collection |  |
| **Clinical Interventions** | Minor interventions | Best Practice | Review at 2 years |  |
| Major interventions | Audit | For 10 years after the death of the patient | Should be recorded directly on PMR |
| **Controlled Drug Records**  Disclaimer: Every effort has been made to ensure all required records have been listed. If in doubt, pharmacists are advised to read the relevant legislation and to seek appropriate advice. Reference: <https://www.sps.nhs.uk/articles/retention-of-pharmacy-records/>, accessed 21/03/2018 | CD Registers | Legal | 2 years from date of last entry but if it contains records of destruction of CDs (including patient returns and out of date stock) then keep for 7 years | Misuse of Drugs regulations 2001 |
| CD requisitions etc. | Legal | 2 years | Misuse of Drugs regulations 2001 |
| **Unlicensed Medicines (Specials)** | Extemporaneously prepared on the premises with internal quality control. | Legal | 5 years | The Human Medicines Regulations 2012 (regulation 170).  Product liability extends this to 11 yrs after expiry for adults and up to 28 yrs for children. See note 4. |
| Extemporaneously prepared by another pharmacy/company with external quality control | Legal | 5 years | The Human Medicines Regulations 2012 (regulation 170).  Should have the certificate of conformity including the source of the product; to whom, and the date on which the product was sold or supplied; the prescriber’s details; the quantity of each sale or supply; the batch number of the product; details of any adverse reactions to the product sold or supplied. See note 4. |
| Unlicensed imports | Legal | 5 years |
| **DDA/Equality Act** | Record of assessment and outcome of patients’ needs in respect of medicines | Reference | 1 year | Best practice  Assessment should be repeated if patient circumstances change. |
| **Employment Records**  Disclaimer: Every effort has been made to ensure all required records have been listed. If in doubt, pharmacists are advised to read the relevant legislation and to seek appropriate advice. Reference: <https://www.sps.nhs.uk/articles/retention-of-pharmacy-records/>, accessed 21/03/2018 | Occupational Health Record (Staff) | Audit | 6 years after employment terminated |  |
| PAYE records | Audit | 6 years |  |
| Wages/Salary records | Audit | 10 years |  |
| Disciplinary: written warnings | Audit | 12 months | This will vary by organisation. Terms stated are NHS Scotland standard periods. |
| Disciplinary: Letter of dismissal | Audit | 10 years | Contractors may wish to seek legal advice on a case-by-case basis |
| Disciplinary: Records of actions taken | Audit | 6 years after leaving employment |  |
| Recruitment documents  e.g. CVs | Audit | 1 year after the completion of the recruitment exercise |  |
| **Operations** | Responsible Pharmacist Log | Legal | 5 years minimum | Can be hard copy or electronic |
| Indemnity certificates | Audit | 6 years after the indemnity has lapsed |  |
| **Clinical Governance** | Patient Complaints without Litigation (Adult) | Audit | 7 years |  |
| Patient Complaints without Litigation (Child) | Audit | Until child is 16 or 7 years, whichever is later. |  |
| Disclaimer: Every effort has been made to ensure all required records have been listed. If in doubt, pharmacists are advised to read the relevant legislation and to seek appropriate advice. Reference: <https://www.sps.nhs.uk/articles/retention-of-pharmacy-records/>, accessed 21/03/2018 | Patient complaints with legal action (Adult) | Audit | 7 years after case is settled or dropped | Contractors may wish to seek legal advice on a case-by-case basis. |
| Patient complaints with legal action (Child) | Audit | Until child is 18 or 7 years after case is settled or dropped, whichever is later. | Contractors may wish to seek legal advice on a case-by-case basis. |
| Duty of Candour records | Audit | 30 years | Contractors may wish to seek legal advice on a case-by-case basis. |
| Staff competency/training records | Reference | Two years beyond termination of employment | Best practice, keep in secure personal portfolio |
| Clinical Audit | Reference | 5 years |  |
| Patient Surveys | Reference | Review need to retain after 6 months | Are these required once desired information has been gathered and used? |
| **Health and Safety** | Asbestos Register | Audit | Permanent |  |
| COSHH (Control of substances hazardous to health) documentation | Audit | 10 years |  |
| Accident and Incident forms | Audit | 10 years | If legal action is taken, contractors may wish to take legal advice on retention period |
| RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) reports including accident register  Disclaimer: Every effort has been made to ensure all required records have been listed. If in doubt, pharmacists are advised to read the relevant legislation and to seek appropriate advice. Reference: <https://www.sps.nhs.uk/articles/retention-of-pharmacy-records/>, accessed 21/03/2018 | Audit | 10 years | If legal action is taken, contractors may wish to take legal advice on retention period |
| Waste consignment notes – Special waste e.g. Medicines | Legal | 3 years |  |
| **Specialist Records** | Clinical Drug Trials |  | 2 years after last treatment |  |
| **Other Records** | Any other record pertaining to individual patient care which is not covered elsewhere in this document | Audit | 2 years if paper  Best practice: transfer to PMR and apply PMR record retention policy |  |

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