General Pharmaceutical Council

Department for Culture, Media and Sport

By email

Thursday, 04 May 2017

Dear Sir

Call for views on the General Data Protection Regulation Derogations

The General Pharmaceutical Council (GPhC) is the regulator for pharmacists, pharmacy technicians and registered pharmacy premises in England, Scotland and Wales. Our role is to protect, promote and maintain the health, safety and wellbeing of members of the public by upholding standards and public trust in pharmacy.

Our main work includes:

- setting standards for the education and training of pharmacists, pharmacy technicians, and approving and accrediting their qualifications and training
- maintaining a register of pharmacists, pharmacy technicians and pharmacies
- setting the standards that pharmacy professionals have to meet throughout their careers
- investigating concerns that pharmacy professionals are not meeting our standards, and taking action to restrict their ability to practise when this is necessary to protect patients and the public
- setting standards for registered pharmacies which require them to provide a safe and effective service to patients
- inspecting registered pharmacies to check if they are meeting our standards

We welcome the opportunity to respond to the call for views on the General Data Protection Regulation derogations. Whilst the consultation document as a whole is of interest to us we have limited our response to areas where we feel there is a direct impact on our work as a regulator.

Theme 6 – third country transfers, Article 49 – derogations for specific situations

As the regulator for pharmacy professionals, it is critical that we are able to share relevant information with overseas regulators and other authorities, and that they are able to share information with us.

We do this in two ways:

- We make extracts from our registers of pharmacy professionals publicly available on our website - that information would be covered by article 49 (1) (g).

- We share information on a case by case basis, in particular to make sure the pharmacy professionals that we accept onto the registers are, and remain, fit to practise in order to protect the public and uphold trust in pharmacy. This is likely to be covered by the public interest clause in article 49 (1) (d).

We are concerned that future legislation should fully reflect this second requirement to share information for regulatory purposes. Without adequate provision for this, gaps in knowledge could result in risks to public safety, both in this country and overseas, where professionals may qualify and work between countries.

Theme 12 – processing of data

Article 18 – right to restriction of processing

As a regulator of pharmacy professionals, we process data to perform our statutory functions in the public interest under the Pharmacy Order 2010 and other relevant UK legislation. We suggest that it would be helpful to recognise regulatory functions to protect and promote public safety as one matter of 'important public interest' if this is further defined in UK legislation.

Articles 35 and 36 – data protection impact assessments

We recognise the importance of assessing the impact of data processing on individuals and of being transparent and consulting where appropriate. However, the introduction of mandatory consultation with the supervisory authority in some circumstances means that projects undertaken by public authorities that fall within scope will necessarily take longer. The lists of types of processing operations that will require data protection impact assessments, referred to in article 35 (4) will go some way to clarifying requirements. It would be helpful if legislation or guidance from the supervisory authority could provide some clarity on the terms 'high risk' and 'high volume'. We would suggest legislation takes a proportionate approach in the interest of allowing public authorities to operate efficiently, while making sure that significant risks are addressed.

Theme 13 – restrictions, Article 23

Article 23 (1) (g) and (c) are of particular importance to our role in regulating pharmacy professionals and ensuring the provision of safe and effective services in registered pharmacies. The wording of section 31 of the Data Protection Act 1998 covers this ground effectively for our purposes and we suggest including a similar clause in future legislation.

In relation to this theme, and elsewhere, it would be helpful to ensure there is a balance between an important public interest and an individual's rights and freedoms.

Yours faithfully