BMA

Data Protection Team
Department for Culture, Media & Sport

16 May 2017

Dear Sir/Madam

GENERAL DATA PROTECTION REGULATION DEROGATIONS: GOVERNMENT CONSULTATION

The British Medical Association (BMA) is an apolitical professional association and independent trade union, representing doctors and medical students from all branches of medicine across the UK and supporting them to deliver the highest standards of patient care.

We welcome the opportunity to comment on theme 10 of the consultation – the processing of children's personal data by online services.

Children and young people are increasingly likely to access health services online – for example, sexual health advice. Confidentiality can be particularly important for young people when accessing these services. Although young people should be encouraged to involve their parents, there is a strong public interest in respecting young people's confidentiality if they choose not to involve them. The BMA would be concerned if young people were deterred from seeking necessary health advice from reputable online services due to a requirement for parental consent.

We would, therefore, welcome derogation of Article 8 to ensure children under the age of 16, where appropriate, are able to access reputable health services online.

We would also welcome clarification as to whether the organ donation register falls under 'information society services' under the GDPR. The BMA would be concerned if young people under the age of 16 were deterred from joining the register due to a requirement for parental consent (www.organdonation.nhs.uk//register-to-donate/).

Yours sincerely