

Appendix E: lawful basis for data under GDPR DPA 2018

Advice for local authorities and dental survey providers.

National Dental Epidemiology Programme Regulations

- All local authorities in England are required to undertake dental surveys as part of a programme of work to help improve the oral health of people in their area.
- The official authority for oral health surveys is provided by The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

The General Data Protection Regulations (GDPR) and Data Protection Act 2018 (DPA 2018)

- The statutory instrument for the NDEP means that the lawful basis for processing this data is considered to be provided by the following articles of the GDPR:
 - GDPR Article 6(1)(c) - processing is necessary for compliance with a legal obligation
 - GDPR Article 6(1)(e) - processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority
 - GDPR Article 9(2)(h) - processing is necessary for medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems.
- No change is needed to the ways in which care home residents' personal information is used and shared for the NDEP data collection to be lawful under the GDPR/DPA 2018.

Useful links

The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012: available here:

<http://www.legislation.gov.uk/ukxi/2012/3094/contents/made>

Data Protection Act 2018: available here:

<http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

European Union GDPR Portal: available here: https://ec.europa.eu/info/law/law-topic/data-protection/data-protection-eu_en

Information Commissioner's Office. Guide to the GDPR: available here: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr>