

**British Society for Dermatological Surgery - British Skin Surgery Logbook privacy notice**  
**v2.5 Jan 2020**

## **1. Introduction**

The British Society for Dermatological Surgery (the “BSDS”) regards your (the “User” and your patients) privacy and the handling of your personal data of the utmost importance. This Privacy Policy details how we collect, use and securely store any data submitted to us through the use of The British Skin Surgery Logbook (the “Logbook”).

The purpose of the Logbook is mainly for surgeons to monitor outcomes for their own professional development. It also enables users to benchmark against summary data for peers in their own unit workgroup, and similarly for their unit to benchmark against summary data for other units. These purposes all contribute to the improvement of skin surgery outcomes for critical patient benefit.

This is in line with the stated aims of the BSDS as a registered charity: ‘Promoting excellence in skin surgery, Mohs surgery and lasers’

There is also an explanation below of the various generic rights you can exercise as a data subject pertaining to the GDPR EU regulations.

## **2. Who we are (identity of the data controller)**

For the purposes of this privacy notice, The BSDS is the data controller and operates The British Skin Surgery Logbook.

Our registered office address is: The British Society for Dermatological Surgery, Willan House, 4 Fitzroy Square, Kings Cross, London W1T 5HQ.

Our charity number is: 800213

Our ICO registration is: ZA521954

## **3. Legal basis for data processing**

### **Our users – User data entered into the Logbook or sent to BSDS**

We process your user data in the Logbook on the legal basis of explicit consent. Email or survey submissions to us such as your name, email that you enter, department name, GMC number and any additional personal data you send us is collected on the legal basis of legitimate interest. Giving your explicit consent for us to process your data does not affect your rights. Details of your rights and our data retention periods are further explained below in this Privacy Notice.

## **Our patients - Patient data entered into the Logbook**

Patient data is considered to be a special category of data under the General Data Protection Regulation (EU) 2016/679 (GDPR) and is processed under section 6(1)(c) “necessary for compliance with a legal obligation to which the controller is subject” and 9(2)(h) “(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or member State law pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;”

However Users do not have the right to use the Logbook to store patient identifiable data except the minimal items required to identify the case to you/a peer/an administrator for the purpose of adding outcome data when it becomes available at a later date. This is important to fulfill the legitimate purposes of the Logbook and to maintain data accuracy.

The principal is such that no case you record should be identifiable to a specific patient by the information held in the Logbook alone (i.e. the cases are pseudonymised, not fully anonymised).

However as the intended use is to record the details of surgery at the time of the operation (or soon afterwards) identifiers are needed to enable the subsequent addition of outcome data such as the pathology diagnosis, complications, functional outcomes, longer term treatment effectiveness data. It is important to record the data in this way to encourage the recording of every consecutive case prospectively to enable more complete datasets.

These pseudonymised items that should be recorded are:

- Date of the procedure(s) (mandatory)
  - Recorded automatically but editable
- Patient ID number (mandatory)
  - NHS number OR hospital number (NHS number preferred to aid longer term outcome collection if patients move location/provider)
  - e.g. to link to future pathology reports or clinic visits in departmental systems
- Date of birth (mandatory)
  - to create age data
  - then as a second identifier in case of a typing error in patient ID number (which could later be deleted)
- Postcode first section only i.e. 2-4 characters (mandatory)
  - for unit needs assessments/resource planning
- Procedure details (mandatory)
  - Numerous data items that form the main elements of the Logbook can be recorded (some are part of the mandatory minimum dataset, and some optional)

- Comments in free text should be kept generic and not identifiable (e.g. regarding procedural technique used or challenges encountered, rather than family history)
- The Logbook does not form any part of the individual patient's medical record. Any information required to manage or evidence a patient's health care should be recorded in their clinical records in the usual way, not in the Logbook.
- However it is self-evident that data stored in the Logbook will largely be a duplicate of what is stored in the patient's clinical records, but may be supplemented by a surgeon's own private non-patient specific reflections on the operation for their own professional development. E.g. on finessing elements of technique. If these reflections could be useful to others caring for the patient they must also be recorded in the normal hospital patient care record.

Other personal patient data should not be recorded including the following data items (but this list is not exhaustive):

- Address – not needed
- Patient name – not needed

You should inform your patients of this data collection. You should add an explanation into your surgical patient information leaflet, or similar. We also strongly recommend adding explicit written consent for logbook data collection to your surgical consent form.

It should be noted that for patient data the BSDS is the processor and not the controller. BSDS is providing a mechanism for Users to record cases and to obtain summary and benchmarked data. Any queries in relation to patient data should be addressed to the hospitals/trusts as they remain the controllers of patient data.

#### **4. Why do we need your Personal Data?**

##### **Users**

Providing the BSDS with your personal data is an obligation of using the British Skin Surgery Logbook.

This is because your personal data is required to confirm your identity as a user, to maintain accurate records of your role, location, speciality, and unit workgroup to determine appropriate access rights to logged cases that you need to see in order to maintain your own logbook of your operations and to see the appropriate summarised benchmarking data.

Data attributable to you about cases you have logged will be visible to others in your unit workgroup, but not to other units. All benchmarking data available to other units is

summarised and not attributable to a specific user directly, but may be by inference (i.e. if you are the only surgeon in your unit, which is known to others anyway).

## **Patients**

The BSDS and our IT provider for the platform, Diagnostic Path Solutions Ltd, do not have access to identifiable patient data, except for maintenance of the Logbook IT platform. Therefore the BSDS and Diagnostic Path Solutions Ltd are data processors for patient data, not the data controller (see also section 7 below).

## **5. Data Protection Officer (DPO)**

The BSDS has duly appointed Dr Thomas Oliphant as the Data Protection Officer (DPO). Should you need to contact the DPO directly, you can do so by email.

Email: [info@bsds.org.uk](mailto:info@bsds.org.uk)

The DPO's registered office is given in section 2 above.

## **6. Collection and processing of personal data**

While using our service, we may ask Users to provide us with certain personal data that can be used to contact or identify you. This includes:

- Full name
- Email address
- Place of work
- Speciality
- Grade /role
- GMC/NMC number

Whilst using the Service, personal data is generated relating to your logged cases. This includes user ID/time/date stamps relating to cases added or edited.

We may also collect information from individuals, users and non-users, who contact us via email. This will include name, email address and in some cases telephone number, and details related to your place of work.

We may use your personal data for providing the Service, including to:

- Maintain and improve the Service
- Contact individuals for the purposes of preventing or addressing service, security or technical issues

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- To answer queries from users directly
- Maintain the service of the platform

## **7. Sharing of information**

### **User data**

The BSDS shares User information with the IT provider of the Logbook 'Diagnostic Path Solutions Ltd', who is therefore a data processor, for the sole purposes of:

- Managing your user credentials, security, and access to the Logbook
- Storing case data you enter on secure NHS (N3) servers
- Developing the usability and functions of the Logbook

The BSDS Executive Committee (or data sub-committee) will discuss case data summarised at unit level, and may publish this in the public domain via the BSDS website, membership newsletter or circular, or peer-reviewed publications.

### **Patient data**

- The BSDS and Diagnostic Path Solutions Ltd, do not have access to identifiable patient data, except for maintenance of the Logbook IT platform.

### **IT provider for Logbook**

Registered business address: Diagnostic Path Solutions Ltd, The Courtyard, Chapel Lane, Bodicote Banbury. OX15 4DB

<http://www.diagnosticpathsolutions.com>

Company number: 09214567

ICO registration number: ZA162007

In future it is conceivable that on occasions we could need to permit another IT development company access to your Logbook data for a defined project if work needs to be outsourced to improve the usability or security of the Logbook IT platform. Such work can usually be done without any access to user data but if under rare justifiable circumstances this was not possible, every effort would be taken to minimise the nature and duration of data access, as per our obligations under GDPR.

We do not share User information with anyone else outside the BSDS executive committee without your express permission to do so.

Under no circumstances will any information we have be sold or passed on to third parties for the purposes of marketing, sales or other commercial uses.

We may disclose information to third-parties where it is necessary, such as where there is an overriding legal obligation, where permitted under Data Protection Legislation or for the purposes of the prevention and/or detection of fraud or crime.

## **8. Security measures and storage of personal data**

No data transmission over the internet can be guaranteed to be 100 % secure. However, we will take all reasonable steps (including appropriate technical and organisational measures) to protect your Personal Data in line with the requirements for NHS IT security.

Where you add or edit data via the Logbook, the nature of the Internet is such that, although all Logbook data editing is intended to be encrypted and held within the N3 secure network we cannot completely guarantee or warrant the security of any information you transmit. This applies more so to any personal data you email to us, as email messages are not usually encrypted by default. If you wish to take extra steps to protect your personal data please use encrypted email to communicate with us about your user account.

### **8. Cookies**

The Logbook does not use cookies.

### **10. Log Data**

When you access the Service by or through a device (including a smartphone or a tablet), we may collect certain data automatically, including, but not limited to, the type of device you use, your device unique ID, the IP address of your device, your operating system, the type of internet browser you use and other statistics ("Log Data").

### **11. Disclosure of Personal Data to third parties**

We disclose User or Patient Personal Data only to provide and maintain the Logbook, including:

- to third parties who we engage to provide services to us, such as outsourced service providers, IT service providers (see section 7)
- to comply with any applicable law or regulation, a summons, search warrant, court regulatory order, or other statutory requirement.

### **12. How long we retain your Personal Data**

#### **User data**

We will not retain User Personal Data for longer than is necessary under the principle of data minimisation. User account details are stored for the duration of you maintaining an account. If you ask us to remove your user account we will remove your user details and contact data from our user database and anonymise the case data within the Logbook with regard to the name of the user that created those cases.

#### **Patient data**

Identifiable patient data will only be retained for long enough to fulfill the intended purposes of the Logbook, and according to standard NHS data retention norms i.e. 5 years.

### **13. Touch ID/Fingerprint recognition**

Users may choose to use Fingerprint recognition/Touch ID/Face ID to help store their login credentials if accessing the Logbook using a secure mobile device. This data is not collected, stored or processed in any manner by the BSDS. We advise that users should review the privacy notice relating to their device and its operating system before setting up any fingerprint or facial recognition systems.

### **14. Data subject rights**

Under the General Data Protection Regulation (GDPR) and The Data Protection Act 2018 (DPA) Users and Patients have a number of rights with regard to their personal data.

#### **Users**

You have the right to request from us access to and rectification or erasure of your personal data, the right to restrict processing, object to processing as well as, in certain circumstances, the right to data portability.

If, at any time, you wish to update or amend your personal data or preferences, or if you have concerns as to how your data is processed, please write to:

The British Society for Dermatological Surgery (BSDS), 4 Fitzroy Square, Willan House,  
London. W1T 5HQ

E-mail: [info@bsds.org.uk](mailto:info@bsds.org.uk)

You also have the right to ask us, in writing, for a copy of all personal data held about you (this is known as a 'subject access request'). A copy will be sent to you as soon as possible and no later than 30 days after your request.

If you wish to raise any complaints on how we have handled your personal data, please contact us, and we will investigate the matter and notify you of our findings and any remedial action taken. If you are not satisfied with our response or believe that we are processing your personal data not in accordance with the law, you can complain to the Information Commissioner's Office (ICO).

#### **Patients**

You have the same rights under GDPR as listed above. The BSDS and Diagnostic Path Solutions Ltd do not have access to identifiable patient data, except for maintenance of the Logbook IT platform. Therefore the BSDS and Diagnostic Path Solutions Ltd are data processors for patient data, not the data controller (see also section 7 below). Please approach your hospital trust or other healthcare organisation if you wish to exercise those rights.

### **15. Changes to this privacy notice**

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We reserve the right to make changes to this Privacy Notice at any time without prior consultation. Any changes to this Privacy Notice will be posted on the Logbook. If at any time we decide to use Personal Data in a manner significantly different from that stated in this Privacy Notice, or otherwise disclosed to you at the time it was collected, we will notify you by e-mail to obtain your explicit consent beforehand.