

GENERAL DATA PROTECTION REGULATION (GDPR)
DR KAREN H SIMPSON EXPERT REPORTS LTD

This Company has two functions:

- 1. Clinical assessment and management of adults with chronic pain**
- 2. Provision of expert medico-legal and treatment reports and documents**

Dr Karen H Simpson is registered as the data controller for the purposes of the Data Protection Act (DPA) with the Information Commissioners Office (ICO) [No. Z8229445]. Her Company has taken reasonable steps to ensure that it is compliant with the new provisions of GDPR (2018) including the increased emphasis on documentation that data controllers must keep demonstrating their accountability. Dr Karen H Simpson maintains her knowledge of GDPR by accessing regular updates from the ICO and using the resources provided for consultants and their staff by Spire Healthcare.

1. Clinical assessment and management of adults with chronic pain

Dr K H Simpson provides clinical assessment and management for adult patients with chronic pain referred to her by GP's, consultants and other healthcare professionals.

All clinical care occurs solely in Spire Hospital Leeds. All clinical patient records are held, retained and destroyed by the hospital according to its information governance policies. The company stores no clinical records relating to clinical patient interactions outside the Spire Hospital site.

The clinical information at Spire Hospital Leeds is managed according to the hospital's agreed information governance policy in relation to GDPR. The clinical, secretarial and administrative team who work for Spire Hospital, who are involved in processing personal clinical information, are all trained in information governance by Spire Hospital.

In accordance with Spire Hospital policy, electronic communications regarding clinical information and patient identifiable details are encrypted and any physical transfer of clinical information is arranged using protected and encrypted hard storage devices.

Subject Access Requests (SARs) for clinical records are dealt by Spire Hospital and Dr Simpson in accordance with national policies regarding access to clinical information.

Breaches of data security are reported and managed according to the hospital's agreed information governance policy in relation to GDPR

Spire has a detailed Privacy Notice that patients are all directed to on the Spire website in the first appointment letter. Patients' ongoing consent to recording, sharing, accessing and retention of clinical information is implied by their continuing participation in clinical care.

Dr K H Simpson Expert Reports does hold some basic demographic personal non-clinical data in relation to patients under her clinical care solely for accounting, billing and debt

recovery. This information is shared with appropriate other organisations including medical insurers, accountants and debt recovery services with whom Dr Simpson has an individual or company Data Processing Contract. This type of information, e.g. in relation to accounts and billing, is retained for seven years as required by HMRC and is then securely destroyed.

2. Provision of expert medico-legal and treatment reports and documents

Dr Karen H Simpson Expert Reports provides medico-legal advice and reports after instruction from solicitors in relation to personal injury, clinical negligence, professional standards, fitness to practice, family and other cases. If Dr Simpson provides a treatment report, she then becomes the treating clinician, then the information in paragraph 1 (*vide supra*) in relation to GDPR applies.

Medico-legal work requires storage, access and retention of various types of personal data, including claimants'/defendants' documents, clinical records, DWP records, occupational records, expert reports, witness statements, surveillance evidence and various other Court documents. This information is provided by the legal team and/or their agents with whom Dr Simpson has an individual or company Data Processing Contract. Data may be provided as paper documents, protected hardware (e.g. DVDs) or may be accessed via an online storage platform via a secure username and password. The legal team and their agents are responsible for information governance in relation to providing such data to Dr Simpson, but we have a shared responsibility for managing the data according to GDPR principles.

Once the data is received by Dr Karen H Simpson Expert Reports, this information is stored, accessed and shared with her staff with whom Dr Simpson has an individual or company Data Processing Contract. All of Dr Simpson's staff are trained in information governance by Spire Hospital or another suitable agency. Other appropriate individuals and organisations may be, or may become, involved in the legal case e.g. solicitors and their employees/agents, barristers, other experts, DWP, regulatory bodies, police, and the Court; Dr Simpson and her employees will take responsibility for managing the data shared with them according to GDPR principles.

Dr Karen H Simpson Expert Reports stores paper copies of handwritten records and other documents only until these have been scanned into electronic format (usually pdf) for secure electronic storage; these paper documents and DVDs are then securely destroyed. Paper documents/DVDs are usually stored for a maximum of 6 months after receipt before destruction; these documents/DVDs are stored in a locked room. Dr Karen H Simpson Expert Reports does not use any remote storage systems for these records such as iCloud or Dropbox; all storage within the company uses password protected and encrypted hardware.

In some circumstances information may need to be shared with the Claimant's or Defendant's healthcare professionals in accordance with Dr Simpson's requirement to comply with GMC Good Medical practice and Duties of a Doctor [these documents are on the GMC website]. In exceptional circumstances, information may need to be shared with other parties if there is justifiable concern about issues such as patient safety, public safety

or mental capacity/child protection issues. In such circumstances, time permitting, Dr Simpson will always endeavour to seek advice from appropriate agencies e.g. GMC, Medical Defence organisations or the Court.

All personal data is managed according to GDPR recommendations for good practice. The clinical, secretarial and administrative staff who work for Dr Karen H Simpson Expert Reports Ltd, who are involved in processing personal clinical information, all work for other organisations e.g. Spire Hospital. They are all trained in Information Governance by their main employer in relation to GDPR e.g. the importance of data security, how to handle personal data and how to report and manage any breaches in data security. Any staff who also work from home have been trained in their requirement to protect and manage personal data in that setting according to the GDPR recommendations from the ICO for good practice.

In accordance with GDPR, electronic communications regarding medico-legal information and personal identifiable data are password protected and any physical transfer of such information is arranged using protected encrypted hard storage devices. Dr Simpson uses digital dictation for transcription; this is transferred electronically and securely by password protection. Digital dictation is stored only as long as necessary after the transcription has been completed and checked. Emails relating to medico-legal cases (that may include attached documents) are stored only as long as necessary on iCloud whose storage systems are encrypted. Stored emails relating to medico-legal cases are routinely deleted after 7 years. All of Dr Simpson's computers, hardware and email systems are password protected and the hardware is encrypted.

Subject Access Requests (SARs) for medico-legal records are dealt by Spire Hospital and Dr Simpson in accordance with national policies regarding access to clinical information.

The Claimant's consent to data access, storage and destruction by Dr Karen H Simpson Expert Reports is requested in the original letter setting out the details of their medical examination. This is provided in advance of the appointment and thus allows the Claimant time to raise any questions for Dr Simpson, via their solicitor, prior to the appointment taking place.

All information about any case relating to medico-legal issues is only retained until the case has settled and there is no possibility of appeal or until Dr Karen H Simpson Expert Reports Ltd has been instructed by the solicitors, other agency or the Court that the documentation can be destroyed.

Dr K H Simpson Expert Reports Ltd does also hold some basic personal non-clinical data about the Claimant and solicitors/their agents (demographics) solely for accounting, billing and debt recovery. This information is shared with appropriate other organisations including medical insurers, solicitors/their agents, accountants and debt recovery services. This type of information in relation to accounts and billing, is retained for seven years as required by HMRC and is then securely destroyed.