

4 Innisfail Gardens
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15 September 2019

Dear Maggie McIsaac, Stephen Ward and Judy Gillow

RE: GDPR Article 17 Request

Information Commissioner's Office website:

"Consent means offering individuals real choice and control. Genuine consent should put individuals in charge, build trust and engagement, and enhance your reputation."

"You must determine your lawful basis before you begin processing, and you should document it."

"Take care to get it right first time - you should not swap to a different lawful basis at a later date without good reason. In particular, you cannot usually swap from consent to a different basis."

"You must determine your lawful basis before starting to process personal data. It's important to get this right first time. If you find at a later date that your chosen basis was actually inappropriate, it will be difficult to simply swap to a different one. Even if a different basis could have applied from the start, retrospectively switching lawful basis is likely to be inherently unfair to the individual and lead to breaches of accountability and transparency requirements."

"If you are processing special category data you need to identify both a lawful basis for general processing and an additional condition for processing this type of data."

West Hampshire CCG Information Governance Staff Handbook (2018):

*"6.2 **The common law of duty of confidentiality** requires that information that has been provided in confidence may be disclosed only for the purposes that the subject has been informed about and has consented to, unless there is a statutory or court order requirement to do otherwise."*

Ellen McNicholas, 4 September 2019:

"It is apparent that you were given many different reasons for the review being conducted. I apologise if you were not fully informed of the reasons for the reviews in November 2017 and January 2018."

We have provided you with a detailed response to Ellen McNicholas' letter. Considering the nature of our response, under GDPR Article 17 (1d), we demand that the information relating to those reviews is erased. Pursuant to this, all organisations that have been given information relating to these reviews must be informed that the data has been erased under these circumstances and that they must erase any information relating to it. The organisations include the Nursing and Midwifery Council, Hampshire CC Social Services, the Parliamentary and Health Service Ombudsman, North East Hampshire and Farnham CCG, and Leo Docherty MP.

Yours sincerely

Mr P Austen-Jones
Mrs R Austen-Jones
Dr S Austen-Jones