

The Academy of Medical Educators and the General Data Protection Regulation



Privacy Notice

The Academy of Medical Educators (AoME) has an obligation to ensure its policies on processing personal data comply with the General Data Protection Legislation which comes in to effect in May 2018. As a member, or potential member of AoME, we need to ensure that you are fully aware and understand:

- what personal data AoME holds
- where and how this data is stored
- what AoME does with this data
- what your rights are in respect of your data, and how we will address them.

1. Information held by AoME

Applicants submit personal and professional data as part of their application for Membership or Fellowship of AoME. The information is submitted by the individual applying and held in a secure form on our server (hosted by Senior Internet Ltd).

Application information is then accessible only to the administrative team on our password protected Customer Relationship Management (CRM) database. AoME team members assign an application to one member of our assessment team for Membership applications, or two members of our assessment team for Fellowship applications. The assessment team comprises senior academics who are bound by the Academy's Data Protection and GDPR Policies. The assessors access the information through a password protected portal and submit feedback online. No data is saved locally. In the event of a disagreement between assessors a third assessor (usually the assessment team lead) may be asked to review the application in the same way. There may be some email or telephone conversations between assessors regarding the content of the application. Personal details are not discussed and information that is available to the assessors via the online portal will not be included or attached.

The names of successful applicants are shared with the Academy's Executive committee for ratification before the individuals are informed. The assessment team is also informed which applications have been successful. These email communications are marked confidential.

Unsuccessful applicants are informed and in most cases asked to supply further information and an opportunity for reassessment.

Where an applicant fails to provide further information or does not meet the criteria for recognition by the Academy their details remain on the CRM database. From May 2018 AoME will ask unsuccessful applicants if they wish their data to be deleted.

2. Lawful basis for processing personal data

AoME processes personal data on the following lawful bases.

Legitimate Interests: AoME uses your data in a way you would reasonably expect and which has a minimal privacy impact¹. AoME's legitimate interests assessment (LIA) identified:

- i. Data processing is necessary in order to assess applications for recognition by AoME; the applicant benefits directly through the assessment and, in line with AoME's stated aims

to improve patient care, there is an identifiable public benefit; the assessment of the data provided by the applicant is an essential part of the recognition process; AoME uses data provided ethically and lawfully.

- ii. The recognition process enables AoME to assess applications for membership against the Professional Standards for Medical Educators which ultimately contributes to patient care; AoME considers the process to be effective and reasonable.
- iii. AoME considers that those applying for recognition would expect their data to be used in this way; personal data is only requested to facilitate the recognition process and is held securely; equality and diversity information is requested for monitoring purposes, but is never used to identify individuals and is not shared; AoME considers it unlikely those applying for recognition will object to the data being requested and processed; applicants can request that their data is deleted at any time.

And, following successful application:

Contract: *the processing is necessary for a contract [AoME] has with the individual member, or because they have asked us to take specific steps before entering into a contract¹. As an AoME member an individual expects to receive regular and relevant information pertaining to membership and professional matters relating to their role as a medical educator. This does not include marketing products or courses not directly related to medical education, or sharing data with any third party.*

For example AoME will send regular newsletters and one-off notices which include, but are not limited to; notice of meetings, events, activities, discounts, opportunities and sources of information which form part of the benefits of membership. AoME may promote the activities and opportunities offered by other relevant bodies within these communications, but it will not provide other organisations with members' personal data.

3. Consent

AoME has reviewed how it asks for and records consent. Where consent is sought we will make requests prominent and separate from other terms and conditions. We will seek a positive opt-in such as unticked opt-in boxes or similar active opt-in methods. AoME will specify any third party organisation who will rely on the consent. AoME will keep records of what an individual has consented to, including what we told them, and when and how they consented. We will tell individuals they can withdraw consent at any time and how to do this.

4. Individuals' rights

4.1 Right to be informed including privacy information

Privacy information, in the form of this document, is published on our website and in the guidance for applicants. A link to the document is also provided in the application acknowledgement and applicants are informed how they can withdraw their application and request deletion of their data at this stage.

4.2 Right of Access

Individuals have the right to obtain confirmation that AoME is processing their data; access to their personal data; and other supplementary information.

4.3 Right to rectification and data quality

Individuals have the right to have personal data rectified if it is inaccurate or completed if it is incomplete.

AoME will review the information it processes or stores to identify when we need to take action, e.g. correct inaccurate records in line with our records management policy.

4.4 Right to erasure including retention and disposal

The GDPR states that Individuals have the right to be forgotten and can request the erasure of personal data when:

- it is no longer necessary for the purpose it was originally collected
- the individual withdraws consent
- there is no overriding legitimate interest to continue processing the data
- Data is being processed for direct marketing purposes and the individual objects to that processing
- Data is unlawfully processed (i.e. otherwise in breach of the GDPR)
- Data has to be erased in order to comply with a legal obligation
- It is processed for information society services to a child.

AoME can refuse to comply with a request for erasure if data is being processed for the following reasons:

- to exercise the right of freedom of expression and information
- to comply with a legal obligation
- to perform a public interest task or exercise official authority
- for archiving purposes in the public interest, scientific research, historical research or statistical purposes;
- to exercise or defence of legal claims
- for public health purposes in the public interest
- for processing that is necessary for the purposes of preventive or occupational medicine, if the data is being processed by or under the supervision of a health professional.

4.5 Right to restrict processing

Individuals have a right to block or restrict the processing of their personal data.

When processing is restricted, this means AoME is permitted to store the personal data, but not further process it. AoME can retain just enough information about the individual to ensure that the restriction is respected in the future. AoME will restrict the processing of personal data if:

- an individual contests the accuracy of the personal data, until we have verified the accuracy of the personal data
- an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and AoME is considering whether its business' legitimate grounds override those of the individual
- processing is unlawful and the individual opposes erasure and requests restriction instead
- AoME no longer needs the personal data but the individual requires the data to be retained to allow them to establish, exercise or defend a legal claim.

AoME will inform individuals when we decide to lift a restriction on processing.

4.6 Right to data portability

The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services. They can receive personal data or easily move, copy or transfer that data from one business to another in a safe and secure way.

The right to data portability only applies:

- to personal data an individual has provided to a controller
- where the processing is based on the individual's consent or for the performance of a contract; and
- where the processing is carried out by automated means.

4.7 Right to object

Individuals have a right to object to the processing of their personal data in certain circumstances, outlined below.

If the right to object applies, it is not always absolute. Whether it is an absolute right depends on the purposes for processing the data.

Individuals have an absolute right to object to any processing (including profiling) undertaken for the purposes of direct marketing. AoME will stop processing for direct marketing as soon as we receive an objection. There are no exemptions or grounds to refuse.

Individuals can object, on 'grounds relating to his or her particular situation' to processing (including profiling) based on:

- your legitimate interests
- the performance of a task in the public interest
- exercise of official authority.

In these circumstances the right to object is not absolute. AoME will stop processing the personal data unless:

- we can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual
- the processing is for the establishment, exercise or defence of legal claims.

If data is being processed for the purposes of scientific/historical research or statistical purposes the right to object is more restricted and does not apply if the processing is necessary for the performance of a task carried out for reasons of public interest.

4.8 How to request changes

Individuals can request information or changes verbally or in writing. AoME will verify the identity of the person making the request, using reasonable means.

Information will be provided free of charge. However, there are circumstances, as outlined by the Information Commissioner's Office under which, at the discretion of its Council, AoME may charge a 'reasonable fee' for information provided. These include when a request is: "manifestly unfounded or excessive, particularly if it is repetitive ... or for further copies of the same information (that has previously been provided)."¹

AoME will provide information within 28 days of the request. In exceptional circumstances, including for complex or numerous request, there is a legal basis for extending this deadline by a further two months but in this case AoME will inform the individual and give an explanation.

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¹ Guide to the General Data Protection Regulation (GDPR), Information Commissioner's Office <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>