

Appendix D. The lawful basis for processing dental survey data under the GDPR and 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 dental health of people in their area.
- The official authority for dental health surveys is provided by The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.¹

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 children's personal information is used and shared for the NDEP data collection to be lawful under the GDPR/DPA 2018.

Useful links

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>

¹ <http://www.legislation.gov.uk/ukSI/2012/3094/contents/made>