



September 2013

**Briefing for the Civil Liberties, Justice and Home Affairs (LIBE) committee
Amendments to the proposal to reform
the data protection Regulation**

Introduction

1. The [Alliance of UK Health Regulators on Europe](#) (AURE) brings together 9 health and social care regulators in the United Kingdom to work collaboratively on European issues affecting patient and client safety. Our purpose is to protect and promote patient safety through effective regulation and ensuring proper standards in the practice of health and social care.
2. As regulators for healthcare professionals, we believe that the fundamental right to the protection of personal data should not impede measures that allow regulatory authorities from maintaining and sharing fitness to practise information about healthcare professionals to protect patients and clients.
3. AURE welcomes the Civil Liberties, Justice and Home Affairs' (LIBE) committee draft report on the European Commission's proposal to amend the Regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([General Data Protection Regulation](#)).
4. This briefing paper sets out AURE's position on some of the key amendments tabled to the draft report ahead of the forthcoming LIBE committee vote. It should be considered alongside AURE's [position paper](#) on the Commission proposal produced in January 2013.

Processing exemptions (Article 21)

5. AURE members have statutory responsibilities to maintain registers of health and social care professionals who are safe and fit to practise in the UK. In light of public interest and patient safety, we may also hold information concerning past and present registration, including professionals no longer on the register for administrative or fitness to practise reasons. AURE members have a duty to share such information between regulatory bodies where appropriate, for example under the alert mechanism as proposed by the revision of the Directive on the mutual recognition of professional qualifications (2005/36/EC). The reform of the data protection Regulation must not jeopardise this vital role.



6. It is essential that the exemptions of article 21, paragraph 1, subparagraph (d) in the Commission proposal allowing members to *prevent, investigate, detect and prosecute* health professionals whose fitness to practise is impaired, are maintained. The fundamental right to the protection of personal data should not endanger patient safety.

AURE does not support amendments 1638 and 1640 as they would undermine our statutory role in protecting the public.

Right to be forgotten (Article 17)

7. AURE supports the provisions of article 17 and recognises the importance of rectification and erasure in prescribed circumstances. Personal data should only be retained for a proportionate time period.

8. And, AURE would welcome the derogations outlined in article 17, paragraph 3, subparagraph (b), (c), (d) which would allow members to continue to hold personal data to fulfil our statutory obligations to protect, promote and maintain the health and safety of the public.

AURE supports amendment 1387 and 1431.

AURE is concerned that amendments 1429, 1430, 1433 and 1434 have the potential to limit the derogation in a way that would affect our ability to protect the public and calls for the text proposed by the European Commission in Article 17(3) subparagraphs (b), (c) and (d) to be retained.

AURE does not support amendment 1435 which would weaken our ability to analyse the data we hold to improve the regulatory system and our ability to protect the public.

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