
**GMC briefing – Data protection Regulation
Consideration of amendments by the LIBE Committee**

20 March 2013

Introduction

1. The General Medical Council (GMC) is the independent regulator for doctors in the UK. Our purpose is to protect, promote and maintain the health and safety of the public by ensuring proper standards in the practice of medicine.
2. The law gives us four main functions:
 - keeping up-to-date UK registers of qualified doctors
 - fostering good medical practice in the UK
 - promoting high standards of medical education in the UK
 - dealing firmly and fairly with doctors whose fitness to practise is in doubt.
3. We have closely followed the review of the Data protection Regulation and have produced the following briefing which sets out the GMC's position on some amendments tabled in the European Parliament's Committee on Civil Liberties, Justice and Home Affairs ahead of the consideration of the proposal.
4. This briefing focuses on those issues of importance to safe and effective medical regulation and patient safety:
 - a. Processing exemptions (Article 21)
 - b. Right to be forgotten (Article 17)

A. Processing exemptions (Article 21)

5. As the body responsible for doctors' registration and fitness to practise in the UK, the GMC has a statutory responsibility to keep a register of doctors who are safe and fit to practise medicine in the UK. To carry out our statutory functions, we may also hold information concerning past and present registration, including doctors no longer on the register for administrative or disciplinary reasons.

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

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

B. Right to be forgotten (Article 17)

7. We support the provisions of article 17 and recognise the importance of rectification and erasure in prescribed circumstances. Personal data should only be retained for a defined and proportionate time period.

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

The GMC supports amendment 1387.

The GMC is concerned that amendments 1429, 1430, 1431, 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.

The GMC 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.