

Dr. MARK E DENYER, M.B., B.S., F.R.C.P.
Denyer Medical Consultancy Ltd
Consultant Physician and Gastroenterologist, Expert Witness

PRIVACY POLICY

Dr Mark Denyer (“I, we, us, our”) is committed to protecting and respecting your privacy.

1 - Scope

This document refers to personal data, which is defined as information concerning any living person (a natural person who hereafter will be called the Data Subject) that is not already in the public domain.

The General Data Protection Regulation (GDPR) which is EU wide and far more extensive than its predecessor the Data Protection Act, along with the Privacy and Electronic Communications Regulations (PECR), seek to protect and enhance the rights of EU data subjects. These rights cover the safeguarding of personal data, protection against the unlawful processing of personal data and the unrestricted movement of personal data within the EU and its storage within the EEA.

2 - Who are we?

Dr Mark Denyer, Consultant Physician and Gastroenterologist provides expert witness services. We are based in West Yorkshire. This Privacy Notice provides information about the personal information we process about you in the capacity of Data Controller / Data Processor.

For the purposes of the Data Protection Act 1998 and the General Data Protection Regulations (GDPR) (the “Act”) which is EU wide, Dr Denyer, is registered (as a Data Controller) with the ICO.

3 – Your Rights

The GDPR provides the following rights for individuals regarding possession or processing of your personal data. We are committed to protecting your rights to privacy. They include:

- **The right to be informed** – fair processing information must be provided; typically, through a Privacy notice
- **The right of access** – you have the right to request a copy of the information we hold about you (SAR, see below)
- **The right to rectification** – you have a right to correct data that we hold about you if it is inaccurate or incomplete
- **The right to erasure (to be forgotten)** – in specific circumstances, such as when the personal data is no longer necessary, you can ask for the data we hold to be erased from our records
- **The right to restrict processing** – in specific circumstances, you have a right to restrict processing
- **The right to data portability** – you have the right to move, copy or transfer the personal data we hold about you to another person/organisation
- **The right to object in relation to automated decision making and profiling** – you must have grounds relating to your own particular situation to exercise this.

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4 - Personal Data

For the purposes of our retention policy, we may be storing patient notes relating to clinical practice, from which Dr Denyer has now retired. These records may be physical and electronic and will be destroyed as appropriate under the terms of our retention policy. Electronic data is protected by appropriate technical and organisational security, including encryption, and is archived appropriately and access to the records is restricted.

For the purposes of providing an expert opinion we will require access to personal data and special category data. This information will form the framework for the sharing of data between the Data Controller (Instructing party) and the Expert acting as Data Processor. This data may include;

- i. Name, contact details and date of birth
- ii. Health information
- iii. Information about race, ethnic origin and sexual orientation

This personal data is generally provided by the instructing party in relation to the legal case on which Dr Denyer has been asked to provide an expert report.

We may also use the details provided by you to respond to enquiries including making telephone contact and emailing information to you and/or your Client at your request, and in planning to meet and examine clients introduced by the Instructing party.

We also process personal data pursuant to our legitimate interests in running our business. This may include:

- i. Invoices and receipts;
- ii. Accounts, VAT and tax returns;
- iii. Insurance policies and related documents;
- iv. Personal data in relation to any contracts of employment / services agreements
- v. Bank details of our service providers

5 - Legal basis for processing any personal data

Generally, we will rely on the following legal justification which is; taking the necessary steps at your request so that you can enter into a contract with Dr Denyer for the provision of expert medicolegal services.

In making initial contact with us you consent to us maintaining a dialogue with you until you either opt out (which you can do at any time) or we decide to desist in promoting our services. We do not broker your data and you can ask to be removed from our database by emailing or phoning the practice using the contact details provided at the end of this Privacy Notice.

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6 - Legitimate interests

Processing is necessary for the purposes of the legitimate interests pursued by Dr Denyer in carrying out his obligations under a contract with the instructing party. It is in our legitimate interests as an expert witness as we need to review and analyse documents containing this information to provide our expert advice.

In relation to special category data, such as health records or information concerning race, ethnic origin, or sexual orientation, we rely on the legal claims basis for processing this data, in addition to our legitimate interest.

7. - Consent

In respect of clinical records, an individual will have consented to our taking of records at the time of their treatment. We retain records in storage for only 'as long as is necessary' and in line with our retention policy.

8 - Retention Policy

We will retain clinical personal and special category data for 10 years to fulfil the relevant purposes set out in this Privacy Notice and in order to comply with legal and regulatory obligations.

We will retain medico-legal correspondence for the duration of any contract between us and will continue to store only the personal data needed until any agreement or contract between the instructing party and the medicolegal expert has expired, provided that the case has settled, and all outstanding fees have been received, and to meet any legal and regulatory obligations.

After these periods, all personal data will be deleted or securely destroyed in accordance with our Security of Information Policies.

9 - Data storage

The data that we receive from you may be transferred to, and stored at, secure servers inside the European Economic Area ("EEA"). It may be processed by staff operating inside the EEA who work for us or for one of our suppliers. Such staff may be engaged in, among other things, the provision of support services. By submitting your instructions and sending personal data, you agree to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy.

We have in place appropriate technical and organisational measures to protect against the unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. In particular, in the extent we act as data processors, we confirm;

- i. We do not disclose personal data to any third party without your specific instructions, unless compelled to meet legal obligations, regulations or valid governmental requests;
- ii. We keep all physical and electronic records secure at all times;

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- iii. We can provide details of our data security arrangements upon request;
- iv. We will notify the instructing party immediately should any records be lost, stolen or there has been any unauthorised disclosure of data;
- v. We ensure that any staff employed to assist in fulfilling these instructions, such as our Data Processors providing medical practice management and secretarial services and other third-parties e.g. the private facilities where we see claimants, IT providers, email providers, transcription services, billing companies and debt collection agents, have data protection and confidentiality agreements in place and are aware of their data security obligations;
- vi. We will inform the instructing party immediately should we receive a Subject Access Request in connection with any instruction received.

10 - Complaints

If you wish to make a complaint about how your personal data is being processed by us, you have the right to complain to me. If you do not get a response within 30-days, you can complain to the ICO.

The details for each of these contacts are:

Dr Mark Denyer

Practice Office Telephone 01937 541035 or email: enquiries@turner-mpm.co.uk

ICO

Wycliffe House, Water Lane, Wilmslow, SK9 5AF

Telephone +44 (0) 303 123 1113 or email: <https://ico.org.uk/global/contact-us/email/>

11 – Updates to this Privacy Notice

We may update this Privacy Notice from time to time to ensure that it remains accurate, and the most up-to-date version can always be found at <https://www.turner-mpm.co.uk/our-consultants--medico-legal-experts.html>. If there are any material changes to the way your personal information is to be used, then we will provide you with an updated copy of this Privacy Notice.

This Privacy Notice was last updated on **23rd May 2018**.