

Data Protection Act 1998

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Data Protection Act, 1998

1. Introduction

JustHealth are mindful of the Data Protection Act, 1998. Throughout the development and the production lifecycle of the application JustHealth and any affiliates will stay within the UK law and aim to achieve higher standards than what the act requires.

2. Principles of the Data Protection Act

1. Personal data shall be processed fairly and lawfully and in particular, shall not be processed unless:

- a) at least one of the conditions in Schedule 2 is met; and**
- b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.**

JustHealth will ensure that users have given their explicit consent to their data being used and processed by the JustHealth application both locally on their device and also where their information is being stored in the centralised server. In order for a user to be able to successfully activate an account with JustHealth they will have to accept the terms and conditions by selecting a tick box on the registration screen. Due to the sensitive information that will be stored on the system they will also have to tick another box which will have a short statement which will be a summary of the terms and conditions that the user will have the opportunity to read. Terms and conditions will be able to be seen in appendix 1.

2. Personal data shall only be obtained for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or purposes.

JustHealth will state in their terms and confirmations the reasons for the collection of the data and this will only be used to process the data on behalf of the patient and carer. The data will not be used for any further processing or analysis outside of the necessary means to make the application function.

3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

JustHealth will only collect data that will be beneficial for the user experience and functionality of the application. This may be data that is beneficial for some or all of the identified stakeholders that have been listed in the Stakeholder Analysis document.

4. Personal data shall be accurate and where necessary, kept up-to-date.

The JustHealth application will allow all users to update their personal profile and information from the web and mobile applications. This will update the information that is stored on the centralised database. It will be the responsibility of the user to verify that all of their information that is stored

by JustHealth is accurate; this will be acknowledged by the user by ticking a box on the registration screen.

5. Personal data processed for any purpose or purposes shall not be kept longer than necessary for that purpose or purposes.

JustHealth will keep the data for a user for the duration of the time that the user has an active account. If they choose to deactivate their account then the user reserves the right to request the data to be permanently removed from the JustHealth centralised database. This will be an option on the account deactivation screen although; if the user doesn't request that this data is purged from the database their account may be reactivated in the future.

6. Personal data shall be processed in accordance with the rights of data subjects under this act.

All information that JustHealth holds about a user will be visible within the application. Having said this, any user may request this information to be sent to them via the postal service. This is the only way that JustHealth will send information to users; information will not be sent over the internet, email or fax, nor shall it be discussed over the phone.

7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

JustHealth will implement many controls on their database and applications to ensure that data is unable to be accessed by unauthorised persons. Centralised servers that are hosting the web application and database are protected by appropriate technical, network and physical controls provided by the university. The application will have a large amount of server side validation to prevent unauthorised access and modification. Moreover, considerable auditing will be included whenever anything is modified or added to the database which will include who made the change, what the change was and the time that this was carried out. Furthermore, all of the data will be encrypted in the database to prevent anyone that does gain access to the database from reading any of the sensitive information.

8. Personal data shall not be transferred to a country or territory outside the European Economic area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Under no circumstances without appropriate notification will JustHealth or any of its affiliates will move any data outside of the UK. All data stored by JustHealth will be stored centrally within the UK and any data that is sent to a user's local device, which may be outside the UK, will be at the user's discretion and risk. All of the data that is sent over the network will be encrypted.

References

Riches, S. & Allen, V., 2011. *Keenan and Riches' Business Law*. 10th ed. Essex: Pearson Education Limited.

Appendix 1

JUSTHEALTH TERMS AND CONDITIONS

1. Any data that is given to JustHealth may be processed by JustHealth to improve the ease of use, performance and/or functionality of the application.
2. The data stored by JustHealth will not be passed to any third parties without the consent of the data subject.
3. A user's data may be viewed by their carer, relative, doctor and pharmacist but will not be visible to anyone that isn't approved to view the data.
4. It is the responsibility of the user to ensure that the information that JustHealth holds about them is accurate and up to date. This is not the responsibility of JustHealth or any of its affiliated parties.
5. JustHealth will keep all data for the time that a data subject's account is active; all of the data that JustHealth will hold about a user will be viewable within the mobile and web application.
6. When a data subject deactivates their account with JustHealth they will be able to request to have their information removed from the centralised database. This will impact account reactivation.
7. A data subject may request the personal data that JustHealth hold about them but this will only be able to be sent to the user within the UK by the postal service. This will not be sent by any other means.
8. Users that download data from outside the UK will do so at their own risk and this will not be the responsibility of JustHealth. Any information that JustHealth will hold about a data subject will be stored within the UK.

Glossary

Data Subject – the specified individual who is the subject of personal data.

Personal Data – Items of information about a living individual who can be identified. This includes factual information, expressions of opinion, and indications of what the data controller's intentions are of that person.

Data Controller – In the case of these Terms and Conditions the Data Controller is JustHealth.