

Article 9 – Processing of special categories of personal data

Where sensitive data is used, we also need to use one of these conditions:

Condition A) The use and sharing of sensitive data is required for health-related treatment to be undertaken by health professionals, including the management of health or social care systems and services: This is used as a lawful basis option for health and social care activities by the Trust. Full details of article 9(2)(h) can be found [here](#).

Condition B) The use and sharing of sensitive personal data is necessary to comply with employment law, or laws relating to social security and social protection: This is used as a lawful basis option for health and social care staff management activities by the Trust. Full details of article 9(2)(b) can be found [here](#).

Condition C) The use and sharing of sensitive personal data is necessary for reasons of public interest in the area of public health. This is used as a lawful basis option for health and social care activities by the Trust. Full details of article 9(2)(i) can be found [here](#).

Condition D) The use and sharing of sensitive personal data is necessary for archiving purposes in the public interest, for historical, scientific, research or statistical purposes, subject to appropriate safeguards. This is used as a lawful basis option for health and social care research activities by the Trust. Full details of article 9(2)(j) can be found [here](#).

There are additional conditions which are not normally used by the Trust but may be in specific situations:

Condition E) Explicit consent: This is unlikely to be used for health and social care purposes because the condition may limit the NHS in being able to treat the person. Full details of article 9(2)(a) can be found [here](#).

Condition F) The use and sharing of sensitive personal data is necessary to protect vital interests of the individual (or another person) where they are incapable of giving

consent: This may be used for health and social care purposes in life and death situations. Full details of article 9(2)(c) can be found [here](#).

Condition G) Where the use and sharing of sensitive personal data is carried out in the course of the legitimate activities of certain charitable or not-for-profit bodies, with respect to its own members, former members, or persons with whom it has regular contact in connection with its purposes: This condition will not be relevant to the Trust. Full details of article 9(2)(d) can be found [here](#).

Condition H) The use and sharing of sensitive personal data relates to sensitive personal data which have been clearly made public by the individual subject: May be used for health and social care purposes. Full details of article 9(2)(e) can be found [here](#).

Condition I) The use and sharing of sensitive personal data is necessary for the establishment, exercise or defence of legal claims, or for courts acting in their judicial capacity: May be used for health and social care purposes. Full details of article 9(2)(f) can be found [here](#).

Condition J) Where the use and sharing of sensitive personal data is necessary due to issues of public concern subject to data rights its purpose. Not used for health and social care purposes. Full details of article 9(2)(g) can be found [here](#).

A summary table of the GDPR lawful processing conditions used by Surrey and Borders can be found in the Privacy Notice section of our website, [here](#).