

# BHBIA Data Analytics Guidelines

## Working with a New Supplier of Secondary Data

**These guidelines are part of a series designed to provide guidance on the legal and ethical issues impacting data analysts**

## INTRODUCTION

When working with a new supplier of secondary data, there are a number of things you may want to check and clarify with them prior to starting a project. Suppliers of secondary data for business intelligence provide information obtained from:

- Published data (e.g. provided by government departments of agencies such as patient level data from the Health and Social Care Information Centre (HSCIC) provided by NHS Digital.
- Existing publications (e.g. news reports, scholarly articles, industry/consultancy reports).



This document is presented as a checklist of things you might want to bear in mind along with your own specific requirements.

- ✓ Does your contract and Master Service Agreement cover any specific clauses relevant to the project requirements including any clauses related to the processing of personal data
- ✓ If required, do you have proof from the supplier of any competency and compliance requirements
- ✓ If you are sharing data with a supplier which has been purchased from a different supplier you should check the re-distribution rules within the terms of the agreement/contract. A Third Party Agreement (TPA) may be required.
- ✓ Check that you have the appropriate permission to use the data for the intended purpose under the terms and conditions of the contract or license. If in doubt, contact the data owner for permission.

If the data you are receiving contains personal data (information about one or more identified or identifiable living persons) you should consider the following additional checks. Beware that inappropriate use of personal data can lead to substantial fines.

- ✓ Notify your company's Data Protection Officer (DPO) to ensure you understand any corporate requirements involved when procuring data sets containing personal data
- ✓ Have you clarified individual roles and responsibilities between yourselves and the supplier, particularly the respective responsibilities of Data Controller and Data Processor?
- ✓ Are you satisfied that any personal data will be appropriately secured and protected when being transferred and stored?
- ✓ Ensure you are aware of your legal basis for processing these data. For instance, did the data provider gain the appropriate consents for you to use the data in the manner you require?
- ✓ Make sure that legal agreements between yourself and the supplier are in place and cover the areas required by data protection law. If you are engaging a third party to process the personal data for you, a contract setting out the necessity for that party to comply with your data processing and data protection requirements will also be necessary.

- ✓ Establish with the data provider whether you will be required to remove, update or extract data from your systems in line with data subject requests.
- ✓ Ensure that your company's relevant privacy statements are amended to include the personal data you are being supplied.

**For further information see:**

The Government Intellectual Property Office  
[www.gov.uk/government/organisations/intellectual-property-office](http://www.gov.uk/government/organisations/intellectual-property-office)

Open Government Licence  
<https://data.gov.uk/terms>

The Information Commissioners Office website  
<https://ico.org.uk/for-organisations/guide-to-data-protection/>

BHBIA: Data protection and privacy  
<https://www.bhbia.org.uk/guidelines-and-legislation/privacy-data>

Health & Social Care Information Centre  
<https://digital.nhs.uk/data-and-information/data-tools-and-services/data-services/hospital-episode-statistics>

*This guidance is provided by the BHBIA for information purposes only and is not intended and should not be construed as regulatory or legal advice. It does not cover all legislative and regulatory requirements pertaining to Members and it is the responsibility of all Members to familiarise themselves with these.*

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If you have any queries about these Guidelines, please visit [www.bhbia.org.uk](http://www.bhbia.org.uk) and submit your query via 'My BHBIA' dashboard. Please note: this ad hoc advisory service is available to full BHBIA members only.

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