

NHS Grampian

Information Governance – Data Protection

Dermatology Services – VisualDX Application

What is happening and how is my data being used?

NHS Grampian's Dermatology Services provides care for our patients who are requiring care and support with dermatological conditions. As part of this service we process your personal and health and social care data as part of the provision of health care and treatment to patients. Whenever you use NHS Grampian's health service, important information about you is collected to help us provide you with the best possible care and treatment. Your records will be used to plan your care and/or treatment by doctors, nurses or any other professionals, such as social care staff, as well as administrative staff and clinicians and therapists in other health care settings.

In order to provide safe and effective care to you it is necessary to collect information about you. This information is used by the professionals involved in your care to plan appropriate appointments and provide relevant information.

NHS Grampian is using an application called VisualDX and DermExpert. The VisualDX platform is an educational and diagnostic clinical decision support system, designed to aid therapeutic decisions and improve patient safety. It contains the world's best curated medical image library with almost half of the images depicting skin disease in black and brown skin; an algorithm-based search for differential diagnoses based on signs, symptoms and clinical characteristics; search functions for diagnoses and drug reactions; links to national guidelines and recognised educational resources; active learning features and DermExpert, a smartphone/tablet Artificial Intelligence (AI) feature for diagnostic support in rashes, which utilises the device camera and an AI algorithm to match features of a rash to potential differential diagnoses.

The use of AI in the DermExpert solution does not mean that the system is making decisions about you or your care by itself (i.e. this is not 'wholly automated' processing of your data). DermExpert is a decision support tool that analyses information quickly and provides suggested diagnoses and priorities to clinicians, but the suggestions from the system are always reviewed by a NHS Grampian health professional.

All decisions concerning your care and treatment, and the responsibility for those decisions, remain with NHS Grampian healthcare professionals.

The main aims of utilising the VisualDX platform is to provide an educational resource for undergraduates and postgraduates training in NHS Grampian. The aims of using this application are:

- To enable students to consider the features of skin disease and how these relate to differential diagnoses in the same way as a dermatologist, identifying why certain options are likely and others less so, in a far more interactive way than a clinician describing their thought processes and outwith their formal dermatology teaching sessions.
- To aid visualisation and learning of the features of dermatological disease in all skin colours.
- To introduce, enable and encourage students to use AI-based software intelligently and safely.
- To allow active education in dermatology (and other included specialties) to continue throughout 4th and 5th years.
- To improve knowledge of the spectrum of dermatological disease and its management in future generations of doctors.

This application is to be used initially for one year to help NHS Grampian evaluate its use and efficacy. It will only be used with patients who are aged 16 or over during this period.

Further information on VisualDx can be found at the following link:

<https://www.visualdx.com/>

Personal data and Special categories of personal data

VisualDx and DermExpert does not need to use your personal data or health data to help produce possible diagnoses for a skin condition.

NHS Grampian users can either search the online directory by entering in textual descriptions of the condition, or take an image of the affected area to enable the AI algorithm to produce a list of possible conditions which are then reviewed by the user and treating clinician.

No identifiable data is entered into the application such as your name, DOB/CHI, address, age. Your ethnicity is also not required to use the software.

Furthermore no identifiable images (e.g. facial images, images including tattoos/birthmarks) or images of sensitive areas such as breast/genitals will be taken when using the DermExpert functionality.

Regarding DermExpert, your treating healthcare professional or student will explain their use of the application and obtain explicit verbal consent for the image to be taken.

The images taken through the DermExpert will not be retained by NHS Grampian or the application itself. Once the image has been processed it is immediately securely destroyed.

Data Controller

NHS Grampian is the data controller for the dermatology information stored in paper records and within the NHS Grampian clinical systems. The data is retained in the same way as the other medical information we hold about you.

Please see our full privacy notice for more information - https://foi.nhsgrampian.org/globalassets/foidocument/foi-public-documents1---all-documents/nhs_grampian_data_protection_notice.pdf.

We retain your personal data securely and in accordance with the [Scottish Government Records Management Code of Practice for Health and Social Care \(Scotland\) 2020](#) or its successor.

As above, in this instance the image will not be retained by VisualDX or NHS Grampian.

Data Processor

Visual DX & DermExpert

The VisualDX platform and associated applications are developed and provided by Logical Images dba VisualDX, who is our Data Processor. They provide the platform and application for the processing of the image. The application and platform itself are hosted on Amazon Web Services (AWS) Cloud solution in the United States of America.

VisualDX and their approved sub-processors (not limited to AWS) do not have any access to your data. NHS Grampian have signed an Agreement with Logical Images setting out instructions and standards on how your information is processed by them and their sub-processors, which includes additional contractual protection if your data is processed out with the UK and EU.

The application can only be accessed via an authorised NHSG or University of Aberdeen device using a unique username and password. VisualDX does not have access to the image if one is taken.

NHS Grampian have an Agreement with VisualDX which covers the protection of personal data. It sets out the responsibilities and T&Cs are bound to keep data secure.

VisualDX's Privacy Policy can be accessed at the following link:

<https://www.visualdx.com/legal/privacy-policy/>

Lawful processing

We assert that it is lawful for us to process your personal data in this way:

- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

We assert that it is lawful for us to process special categories of your personal data in this way as:

- processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards...;

Your rights

We respect your rights and preferences in relation to your data. If you wish to update, access, erase, limit, or complain about the use of your information, please let us know by emailing gram.infogovernance@nhs.scot in the first instance and we will consider your questions. You may also wish to contact the Health Board under which your care is being delivered or the Information Commissioner's Office.

Further information on how NHS Grampian processes your personal data across our services can be found at the following link:

<https://www.nhsgrampian.org/about-us/data-protection/>