



**Personal Data Protection Bill
and Patient Privacy**

**How should the Indian
healthcare system comply?**

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Personal Data Protection Bill and Patient Privacy

How should the Indian healthcare system comply?

The Personal Data Protection (PDP) Bill has been garnering several responses from various industries and sectors that has led to a large amount of re-tweaking and reconfiguration of the bill. While it is a step towards creating awareness around every individual's right to data privacy, it compels organisations from various sectors to make considerable changes to their data management systems and privacy policies. Given the stringent policies it presents for collecting, processing, and securing personal data, it completes the existing framework of regulations that needs to be in place to match the pace of the current digital development.

Healthcare is one of the most trusted systems by the public with their personal data. This has majorly been a result of the advent of digitalisation in this sector which has enabled patients to have easy access to doctors through teleconsultations. This, however, means that hospitals and doctors have access to patient records (including health insurance information, financial records, patient test results and biometric information) due to cheaper storage, volumes of transactions happening between doctors and patients over digital platforms and the widespread use of the internet. This access to sensitive and private data comes with its unique challenges and requires new standards to improve healthcare systems, policies, and processes. While the PDP Bill is a step in this direction, are the hospitals ready for it? How will the Indian healthcare system comply with the provisions of the bill?

This document lays out the opinions of the IET Future Tech Panel's Healthcare Working Group on the steps that hospitals need to consider for evaluating their readiness for the bill and to prepare themselves better for the future.

IET Future Tech panel advisory

Data discovery

- Spend time and effort in establishing processes for data discovery
- Discover data that the hospital already has and put a protocol in place to do it seamlessly
- Reassess all data collection methods and requirements

Record management

- Put in practice record management protocols.
- Find answers to how the records will be stored and for how long
- All record management and storage protocols must work with data discovery processes

Clinical and other staff sensitivity

- Sensitise staff around patient and personal data
- Devise training programs to educate the staff on the provisions of the draft bill
- Run mock exercises to ensure that the training is being well received by the staff and is effective

Data discovery

Hospitals will have to spend a lot of time and effort in establishing processes for data discovery. Today, data is collected at various places like OPD (Outpatient Department), Pharmacy, Diagnosis, Healthcare Services, Patient Attenders among others. Most of these systems are decentralised and non-interoperable. Hence, the ability to discover data that the hospital already has and put a protocol in place to do it seamlessly would be an absolute necessity.

Though this would involve technology, the key would be to identify the right processes, and the talent organisation for the same, before selecting the technology. Also, all data collection methods and requirements would have to be reassessed. Does the hospital really need that data if it is PIA? A good example is hospital attenders who work with the patients to take care of them are required to wear badges or passes with their name and age on it, do we really need to collect it and if yes then how are we going to handle that data?

Record management

Hospitals maintain years of patient records. Many of the old Indian hospitals have rooms full of paper records that are kept there for various compliances, statutory and insurance requirements.

With the advent of the PDP bill, hospitals will need to put in practice record management protocols. The key considerations would be to find answers to how the records will be stored and for how long, how are the hospitals planning to sunset older records.

Also, if digital and Artificial Intelligence (AI) programs must be used, the data storage would have to be defined against requirements for machine learning. All record management and storage protocols must work with data discovery processes. This is to ensure that data is treated in a seamless manner.

Clinical and other staff sensitivity

While defining processes, protocols, talent, and technology might take time, hospitals should embark on an immediate task for sensitising the staff around patient and personal data. Most analyst firms believe that majority data loss and leakage incidents happen due to improper sensitisation and training.

Hospitals would need to devise training programs to educate the staff on the provisions of the draft bill, they would also have to run mock exercises to ensure that the training is being well received by the staff and is effective.

While digital is really helping patients and doctors to come together, it is important for hospitals to get the people, process and technology in place to ensure that the data collected due to this process is handled properly.

In conclusion, while the draft data privacy bill is a key step in the development of a privacy mindset in India, hospitals would need to start preparing for this situation and the above three areas are the key ones to start thinking about right away.

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