Wellbeing situations (practical and legal)

**Situation**

- “I have a problem”
- “My friend has a (serious) problem”
- “Does anyone out there have a problem?”

**Likely Legal Basis (processing SCD)**

- Informed Consent
- probably Vital Interests
- Preventive medicine (EU/GDPR)?
  - Only for employees, under UK DPA2018
- Confidential counselling/public interest (UK)?

**Number of unaffected people involved**

\[\uparrow\]
Which means…

At least for wellbeing analytics…

• Led by health professionals, not academic, not DPO, not technologists
• Documented policy, retention, etc.
  • And a process leading to “confidential counselling”
• Consent, where used, must be explicit, granular, etc.
• Data Protection Impact Assessment likely to be needed
  • Prior consultation with regulator, maybe
• NB: Subject access requires medical approval
Jisc (draft) Code of Practice

• Extends existing Learning Analytics CoP
• Covers above issues, also
  • Transparency about surprising inputs (e.g. finance)
  • Which conversations/interventions need health context?
• Currently in consultation
• Comments & suggestions very welcome
Conclusions

• Beware of perceived surveillance
  • No one asks Big Brother for help
• Strive to remove inaccuracy
  • Know you’ll never achieve it
• Start from robust “my friend” process
  • Algorithmic “friend” knows…
    • Everything about data…
    • Little about context…
    • Nothing about empathy 😊