

7 Standard Operating Procedure (SOP)

According to Art. 6–11 GDPR, all data processing operations should be able to be agreed to separately. In addition, the data processor must comply with an accountability obligation (which data have been agreed to) and a process for the withdrawal procedures must be implemented. Within the framework of the Trusted Third Party, the consent management gICS and Standard Operating Procedures are used for these purposes. Are the requirements of the GDPR sufficiently implemented in this way?

GDPR does not require that consent has to be given separately concerning every single data processing operation or step. However, it is recommended that, in cases where consent is required, consent should be modular in structure to the extent that delimitable purposes and processes that are not necessarily connected can be addressed independently of one another.³⁵ Standard Operating Procedures can be suitable to achieve this if they are designed to address specific processing and document consent. They can be helpful in a way that omission are avoided and documentation gets automated in the process.

The gICS³⁶ consent management system from our perspective would be suitable.

³⁵ *Schaar, ZD 2017, 213, Anpassung von Einwilligungserklärungen für wissenschaftliche Forschungsprojekte, S. 215*

³⁶ *Bialke et al. MAGIC: once upon a time in consent management—a FHIR® tale; J Transl Med (2018) 16:256*
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