

COVID 19 PANDEMIC AND COVID19 VACCINATION – DATA PRIVACY NOTICE AS AT 14th DECEMBER 2020

This notice describes how we may use your information to protect you and others during the COVID-19 outbreak and in the administration of the COVID 19 vaccines.

It supplements our main Privacy Notice which is available on the practice website.

As you know, the health and social care system is facing significant extra pressures due to the COVID-19 outbreak. Health and care information is essential to deliver care to you and those in your communities, to support health and social care services and to protect public health. Information is also vital in researching, monitoring, tracking and managing the outbreak. In the current emergency, it has become even more important to share health and care information across relevant organisations both locally and nationally.

Existing law which allows confidential patient information to be used and shared appropriately and lawfully in a public health emergency is being used during this outbreak. Therefore in using the law – section 3(4) of The Control of Patient Information Regulations 2002 - the Secretary of State for Health has required NHS Digital; NHS England and Improvement; Arms Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information in order to respond to the COVID-19 outbreak. This includes data relating to the administration of vaccines.

Any information used or shared during the COVID-19 outbreak will be limited to 31 March 2021 (this period may be extended) unless there is another legal basis to use the data. These legal bases are set out in the Data Protection Act 2018 (DPA) incorporating the General Data Protection Regulation (GDPR)

The Data Protection Act 2018 provides in section 8(d) that processing that is necessary for the exercise of statutory functions is a task in the public interest and the general legal basis used for sharing personal data is the GDPR Article 6(1) (e)

– 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.

The legal basis for sharing special category personal data (i.e. health information) is contained in the Data Protection Act 2018, section 10 (via Schedule 1 part 2) that processing for health or social care for preventative or occupational medicine, medical diagnosis, provision of health care or treatment, provision of social care, and management of health/social care systems and services are suitable tasks for the use of the legal basis of GDPR Article 9(2) (h)

– Processing is necessary for purposes of preventative or occupational medicine, medical diagnosis, the provision of health or social care treatment or the management of health or social care systems and services.

Further information is available on gov.uk [here](#).

During this period of emergency, opt-outs will not generally apply to the data used to support the COVID-19 outbreak, due to the overriding public interest requirements listed above to share the information. This includes National Data Opt-outs.

It may also take us longer to respond to Subject Access requests, Freedom of Information requests and new opt-out requests whilst we focus our efforts on continuing to respond to the outbreak and to carry out the national Covid 19 vaccination programme.

When you are vaccinated, your details; including your name, address, gender, NHS number, ethnicity, the date of vaccination, vaccination site and details of the vaccine batch are taken and shared in a system called EMIS Remote Consultation, they are then returned to update your patient record at your home practice. They are also shared with NHS England, NHS Improvement and NHSX to be stored in the National Immunisation Management System (NIMS).

In order to look after your health and care needs and to manage the effects of this pandemic, we are required to share your data with health and care organisations and other bodies engaged in disease surveillance for the purposes of protecting public health and providing healthcare services to the public. Therefore, we may share your confidential patient information including health and care records and records of your Covid 19 vaccination with clinical and non-clinical staff in other health and care providers. These will include, for example, neighbouring GP practices, hospitals and NHS 111. We will also share the data across Primary Care Networks in the London Borough of Sutton as well as with neighbouring boroughs, the Sutton GP Federation and Clinical Commissioning Groups across London.

Nationally your data will also be shared with NHS England, NHS Improvement and NHSX and contained in a National Immunisation Management System. This includes data already collected by NHS England, NHS Improvement, Public Health England and NHS Digital. New data will include 999 call data, data about hospital occupancy and A&E capacity data as well as data provided by patients themselves. All systems storing patient data are secure and use servers in the UK.

We may also use the details we have to send public health messages to you, either by phone, text or email.

During this period of emergency, we may offer you a consultation via telephone or videoconferencing. By accepting the invitation and entering the consultation you are consenting to the consultation and your health data will be accessed and processed accordingly. Your personal/confidential patient information will be safeguarded in the same way it would with any other consultation. In circumstances where you tell us you're experiencing COVID-19 symptoms we may need to collect specific health data about you. Where we need to do so, we will not collect more information than we

require and we will ensure that any information collected is treated with the appropriate safeguards.

Further information about how health and care data is being used and shared by other NHS and social care organisations in a variety of ways to support the COVID-19 response is [here](#).

We may amend this privacy notice at any time so please review it as frequently as you need. The date at the top of this page will be amended each time this notice is updated.