

Privacy Notice - Staff: Coronavirus COVID-19

Introduction

This privacy notice is to make it easier to understand and provide you with more information about how the Trust may seek to collect and hold information about you in relation to the unprecedented challenges we are all facing during the Coronavirus pandemic (COVID-19).

The Trust may seek to collect and process your personal data in response to the recent outbreak of Coronavirus, which is above and beyond what would ordinarily be collected from our staff and their dependents, to ensure their safety and well-being.

Such information will be limited to what is proportionate and necessary, considering the latest guidance issued by the Government and health professionals, in order to manage and contain the virus. It will enable us to effectively fulfil our functions to keep people safe, put contingency plans into place to safeguard those who are vulnerable and aid business continuity.

Where the information is to be used to make organisational decisions, steps will be taken to anonymise the data and general statistics/numbers used, wherever possible.

What personal data is being collected?

Personal data is being collected to enable us to identify any staff (or those closely linked to staff/dependents) who are in any of the high-risk categories and would be considered vulnerable, if infected with Coronavirus.

The Trust will also collect information on the results of any testing undertaken within the Trust to identify who currently has the virus and those who may have had the virus (antibody testing).

Data is also being collected to allow us to plan for and manage the services the Trust provides, given changes to where staff may undertake their roles from.

Data collected includes:

- Name
- Job Role
- NHS number
- Gender
- DOB
- Department/Ward
- Ethnicity
- Home Address and Postcode
- Results of Lateral Flow Tests and PCR Test

- Household members' first and last names
- Your self-isolation status

What is our lawful basis for processing your personal data?

The General Data Protection Regulation requires specific conditions to be met to ensure that the processing of personal data is lawful. These relevant conditions are below:

- Article 6(1)(d) – is necessary in order to protect the vital interests of the data subject or another natural person.

Recital 46 adds that “some processing may serve both important grounds of public interest and the vital interests of the data subject as for instance when processing is necessary for humanitarian purposes, including for monitoring epidemics and their spread”.

- Article 6(1)(e) – 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.

Section 8(c) of the Data Protection Act sets out that such a task must be necessary for the performance of a function conferred on a person by an enactment or rule of law.

The processing of special categories of personal data, which includes data concerning a person's health, is prohibited unless specific further conditions can be met. These further relevant conditions are below:

- Article 9(2)(c) – processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.
- Article 9(2)(g) – is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health.
- Article 9(2)(h) – processing is necessary for purposes of occupational medicine

Schedule 1, Part 1(1) – is necessary for the performance or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, e.g. Health and Safety at Work Act 1974.

Schedule 1, Part 1(3) – is necessary for reasons of public interest in the area of public health, and is carried out by or under the responsibility of a health professional, or by another person who in the circumstances owes a duty of confidentiality under an enactment or rule of law, e.g. [Governmental guidance published by Public Health England](#)

Am I required to provide my personal data under a statutory or contractual requirement, or am I obliged to provide it?

Whilst the provision of data cannot be mandated, you are strongly advised that it is in the best interests of all to provide this information.

The information will be managed in confidential manner. All information will be held securely and processed on a 'need to know' basis by only a limited number of people. If there is a need to disclose outside of this, the minimal amount of personal data will be used.

Who will you share this information with?

We will use the data internally to support our planning and management activities linked to COVID-19, but may also share information in response to Directives by the Secretary of State for Health and Care. This could include Clinical Commissioning Groups (to support wider planning and responses to COVID-19 management), NHS England & NHS Improvement, NHS Digital, the Health and Safety Executive, Your GP and Public Health England.

How long will my personal data be retained?

Your information will be stored in line with the Records Management Code of Practice for Health and Social Care 2016. This means we will keep your information for up to 8 years before we dispose of it confidentially.

Information that identifies you in relation to this outbreak of Coronavirus will not be used for any other purpose, will be stored securely and processed in the UK.

When the information is no longer needed for this purpose, it will be securely deleted.

Your rights

If you would like to know more about your information rights or how to exercise them, you should contact the Trust's Data Protection Officer via email at information.governance@porthosp.nhs.uk

Further advice and guidance from the Information Commissioner on this issue can be found: <https://ico.org.uk/for-organisations/data-protection-and-Coronavirus/>

Further information on how the Department of Health and Social Care will use your testing results (Coronavirus testing and antibody testing) can be found at: <https://www.gov.uk/government/publications/coronavirus-covid-19-testing-privacy-information/testing-for-coronavirus-privacy-information#what-personal-data-we-collect>