

April 2019

Data Controller

**Wolverhampton City Council
Civic Centre
St Peter's Square
Wolverhampton
WV1 1SH**

**Data Protection
Registration Number**

Z5569755

Data Protection Officer

Anna Zollino-Biscotti - Information Governance Team
Manager

**To access information
held about you**

Post: Information Governance Team
Use the Data controller postal address
as above.

Telephone: 01902 554498

Email: DPO@wolverhampton.gov.uk

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1. Overview

This privacy notice applies to Public Health services within City of Wolverhampton Council. It should be read in addition to the Councils' full privacy notice.

This privacy notice tells you what to expect when Public Health processes your personal information, how it is used, shared and secured.

Your privacy is important to us and we are therefore committed to handling your personal data in accordance with the provisions of the General Data Protection Regulation 679/2016 and the Data Protection Act 2018.

2. Why we process data

Public Health, within the City of Wolverhampton Council ("The Council") has a duty to improve the health and wellbeing of the population The Council serves. The purpose of this notice is to inform you of the way in which we use information (including personal data) about you. This guidance applies to all individuals whose information is used by Public Health. This information is sometimes known as a 'Privacy Notice' or 'Fair Processing Notice' and it is a legal obligation under data protection legislation that we provide you with this.

This notice applies to the Public Health function within The Council only. The responsibility for Public Health was transferred to local authorities under the Health and Social Care Act 2012. Public Health provide guidance and advice to the public and professionals whilst monitoring and publishing intelligence about key indicators to help plan services that meet the needs of the people residing, working, visiting and receiving services in Wolverhampton. This includes monitoring the performance of contracted services to ensure that they offer the highest quality of healthcare.

The Health and Social Care Act 2012 gives Public Health a range of duties and powers to improve the health and wellbeing of the local population. These may include:

- Commissioning and planning activity
 - To provide or support direct healthcare
 - For regulatory and protecting health functions
 - For safeguarding activities
 - To fulfil statutory duties under various pieces of applicable legislation

Public Health are responsible for the following mandated and grant condition functions;

- Weighing and measuring of children
- NHS Health check- assessment and conduct
- Provide or secure the provision of open access sexual health services
- Advice service
- Protecting the health of the local population
- Oral health
- Reduce alcohol and drug misuse, including ensuring there is an accessible substance misuse treatment and recovery service
- Commission five universal health visitor reviews

For further information about Public Health duties please see here: [Public Health grant conditions and mandated functions](#).

To allow us to undertake the activities above efficiently and effectively, we need to use information relating to people who use the services we commission and those who use other health and social care services we work with.

3. Categories of data Public Health uses

Information can take the following forms;

- **Identifiable Personal Data** – you can easily be identified from this information, which relates to you. We will only use this where there is no other viable alternative. Identifiable personal data includes:
 - **Personal Data** (for example your name, contact details, or date of birth)

- **Special Categories of Personal Data** (which includes data relating to ethnicity, sexual orientation, and also data relating to physical or mental health)
- **Non-Identifiable Personal Data** – this includes ‘**Pseudonymised Personal Data**’ where personal data which could be used to identify you has been replaced by one or more artificial identifiers, or pseudonyms. It also includes personal data which is classed by the NHS as ‘**Anonymised in Context**’ as it includes a local identifier, such as your hospital number. This information could potentially be used to identify you, if it was processed outside of Public Health and/or added to other information, so we ensure that we have robust controls in place to manage how this is used.
- **Anonymised Data** – you cannot be identified from this, even if it is added to other information. This is because it involves a means of processing data by irreversibly preventing the identification of an individual to whom it relates
- **Aggregated Data** – you cannot be identified from this as this is data which has been grouped together so that it is not at an individual level but groups of people instead

The legal basis for this

Since April 2013, The Health and Social Care Act 2012 has given local authorities the power to perform Public Health functions. This means that the Council has "A duty to improve the health of the people and responsibility for commissioning appropriate Public Health services" and the statutory responsibilities for Public Health services are clearly set out in the Health and Social Care Act 2012.

The Council Public Health department have a legal basis for processing your data under Section 42(4) of the Statistics and Registration Services Act (SRSA) (2007) as amended by section 287 of the Health and Social Care Act (2012) and Regulation 3 of the Health Service (Control of Patient Information) Regulations 2002 for certain Public Health purposes.

The non-identified data Public Health uses for our commissioning and planning activity is considered to be personal data under the General Data Protection

Regulation 2018 (GDPR). The lawful basis for the Public Health's processing of data under the GDPR is:

- Article 6 (1) (a) – consent
- Article 6 (1) (c) – Legal obligation – the processing is necessary to comply with the law.
- Article 6 (1) (e) – Public Task – processing is necessary of performance of a tasks in the public interest or to exercise our official authority.
 - NHS Act 2006
 - NHS Act 2016
 - Health and Social Care Act 2012

- Article 9 (2) (a) – Explicit consent
- Article 9 (2) (H) – the provision of health and social care treatment, or the management of health and social care systems and services or necessary for reasons of public health in the case of service user health related data
- Data Protection Act 2018 -
 - Schedule 1, Part 1, 3 Public Health (Grounds for processing special category data)

In the case of disclosure of confidential personal data, we will also ensure that we meet the **Common Law Duty of Confidentiality** by ensuring that either we have consent from the person, whether explicit or implied (implied consent is where the person could reasonable expect their data to be used in this way and has not objected)

4. Who your data is shared with

The Council is notified with the Information Commissioners Office and is bound by a number of information sharing agreements which are drawn up to ensure information is received from and shared with organisations in a way that complies with relevant legislation.

Where we obtain personal or sensitive information for Public Health purposes, this information will be held securely and will not be disclosed to anyone or linked with

any datasets other than those stated in our sharing agreements, unless we have a legal reason to do so, for example disclosure is necessary to protect a person from suffering significant harm or necessary for health protection, safeguarding, crime prevention or detection purposes.

To comply with law, your personal information may be shared with internal departments or with external partners and agencies including:

- Local Authority internal departments and teams
- Health bodies – local and national such as;
 - Royal Wolverhampton Trust
 - Wolverhampton Clinical Commissioning Group
 - Black Country NHS Partnership Trust
- Public Health England
- Schools
- Providers services
- Police departments
- Central Government departments – e.g. Department for Education
- Ombudsman and regulatory authorities

Information on the Councils Sharing agreements and partners can be found here:
<http://www.wolverhampton.gov.uk/article/3327/Information-Sharing>

5. How we collect your data and from where

The Council Public Health team is committed to using pseudonymised or anonymised information as much as is practical, and in many cases, this will be the default position.

- Anonymisation is a means of processing data by irreversibly preventing the identification of an individual to whom it relates.
- Pseudonymisation is a procedure by which the most identifying fields within a data record are replaced by one or more artificial identifiers, or pseudonyms. The purpose is to render the data record less identifying and therefore lower customer or patient objections to its use.

We use different types of information for different purposes as detailed below:

- To undertake our **commissioning and planning** activity we will use Anonymised Data wherever appropriate or Non-Identifiable Personal Data where we require this to be able to undertake detailed work and to be able to link data together.
- To **provide or support direct healthcare** we will seek to use Non-Identifiable Personal Data wherever this is possible, however we may need to use Personal Data and Special Categories of Personal Data, such as information relating to physical or mental health, to ensure that risks to patient safety are minimised.
- For **regulatory and protecting health functions** we will seek to use Non-Identifiable Personal Data wherever this is possible, however we may need to use Personal Data and Special Categories of Personal Data, such as information relating to physical or mental health, to ensure that risks to public health are minimised.
- For **safeguarding** activity, we will use Personal Data and Special Categories of Personal Data, such as information relating to physical or mental health, to ensure that risks to individuals are minimised.
- To fulfil our statutory duties under various pieces of applicable

Information may be provided to us directly by you when you sign up to use a service we are responsible for or commission. Additionally, information may be shared with us by another organisation due to us having a role in a service they are providing, or as part of research and intelligence necessary for public health functions, such as

informing decisions on the design and commissioning of services, reporting, or identifying public health patterns and trends.

Organisations which may share data with us include; the Office for National Statistics (ONS), NHS Digital, NHS providers and NHS Wolverhampton Clinical Commissioning Group.

National Child Measurement Programme (NCMP):

This was set up in line with government strategy to annually measure the height and weight of children in reception class (aged 4 to 5) and year 6 (aged 10 to 11), to assess overweight and obesity levels in children within primary schools. NCMP data can be used to support public health initiatives and inform the planning and delivery of services for children. Individual children's results are not shared with school staff or other pupils, and suppression and disclosure controls are implemented to ensure that individual children cannot be identified. Data is collected via an online system, where access is given to this if there's a clear business need and in line with the requirements of the Data Protection Act 1998 and the General Data Protection Regulation (GDPR). For more information please see [NCMP data uses](#)

The following is data Public Health specifically receives from NHS Digital which is supplied to us under a Data Sharing Agreement (DSA). This data is only supplied to us by NHS Digital under strict data disclosure controls:

- **Secondary User Service (SUS)** – pseudonymised records about health care and treatment of patients within any English hospital. This contains data collected when someone is admitted to a hospital bed, treated as a day patient, attends as an outpatient, or attends urgent care, for example an Accident & Emergency department. This data includes the patient's age, method of admission, source of admission, diagnosis codes, procedure and investigation codes, area of residence, hospital attended, date of attendance and GP practice of patient.

Civil registration data:

- **Primary Care Mortality Database (PCMD)** – The PCMD provides access to identifiable mortality data which is based on death registrations. The data includes the address, postcode of residence of the deceased and the place of death, NHS number, date of birth, date of death, name of certifier, and cause of death. No names are included. Access is only to deaths relating to individuals which are registered with Wolverhampton GP practices, deaths which occurred within Wolverhampton's borders or that relate to Wolverhampton residents. The access to this data is via a secure internet connection.
- **Births data tables** – This dataset provides us with access to identifiable data about the births that occur for women registered with Wolverhampton GP practices, births which occurred within Wolverhampton's borders or that relate to Wolverhampton residents. It includes the address of usual residence of the mother, place of birth, postcode of usual residence of the mother, postcode of place of birth of the child, NHS number of the child and the date of birth of the child. No names are included.
- **Vital statistics tables** – This is a statistics dataset so it does not identify individuals. It contains figures and data on live and still births, fertility rates, maternity statistics, death registrations and causes of death.

Information provided by other organisations is stored in secure systems within the Council network in line with the relevant Information Governance framework. These systems are access controlled, so only relevant employees have access to them.

We only keep hold of information for as long as is necessary. This will depend on what the information is and the agreed period of time, or if there are any rules or laws we must follow on how long the Council must keep certain data. Data is permanently disposed of after this period, in line with City of Wolverhampton Council's Retention Policy/Schedule or the requirements of the organisation who has shared the data with us.

6. How your data is used

Information the Public Health team uses will be stored securely. We will demonstrate our compliance with the Data Security Standards via our 2018/19 NHS Data Security and Protection Toolkit submission.

Where we share information with other bodies or agencies, we will ensure the confidentiality and security of your data. This will normally be done by having a contract and confidentiality clauses in place. We also carry out a data privacy impact assessment each time we start a new project, to help us build in security and privacy to protect your information.

We will keep your information in line with legislation and guidance on records retention periods. We will not keep your information longer than it is needed. We will dispose of paper records or delete any electronic personal information in a secure way, all in accordance with The Council's Retention and Disposal Schedule.

Specific examples of why we use your data are as follows:

- producing assessments of the health and care needs of the population, in particular to support the statutory responsibilities of the:
 - Joint Strategic Needs Assessment (JSNA)
 - Director of Public Health annual report
 - Health and Wellbeing Strategy
- identifying priorities for action
- informing decisions on (for example) the design and commissioning of services
- to assess the performance of the local health and care system
- to report summary statistics to national organisations
- undertake equity analysis regarding accessing services, particularly for vulnerable groups
- to support clinical audits
- to create local health profiles
- to provide health advice to NHS and local authority commissioners
- to inform commissioning strategy and plans

7. Your Data Rights and more information

For more information about how the Public Health team processes personal information, please contact the following

For more information about Public Health in Wolverhampton, please look at: [City of Wolverhampton Council - Health and wellbeing](#)

The Council's NHS Information Governance Toolkit status can be found at <https://www.igt.hscic.gov.uk>.

Please see our full privacy notice for further contact details and if you have a complaint regarding your information rights: [City of Wolverhampton Council Full Privacy Notice](#)

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