

COVID-19 Privacy Notice - Sept 2020

Overview

Data protection and electronic communication laws do not stop Government, the NHS or any other health professionals from sending public health messages to people, either by phone, text or email as these messages are not direct marketing.

The City of Wolverhampton Council, as a public body may require additional collection and sharing of personal data to protect against serious threats to public health.

Why we collect and use your information:

The City of Wolverhampton Council is the data controller for the personal information that we collect, hold and use about residents and service users.

Outbreaks of infectious diseases which present a risk to the health of the public and require urgent investigation and management are included in the following legal framework:

- The Department of Health and Social Care has served notice under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) to require The City of Wolverhampton Council to process confidential patient information for purposes set out in Regulation 3(1) COPI.
- Health and Social Care Act 2012 (via Directors of Public Health, Public Health England and NHS Clinical Commissioning Groups)
- Public Health (Control of Disease Act) 1984 (via Chief Environmental Health Officers)
 - The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020
- Civil Contingencies Act 2004 (via other responders' specific responsibilities to respond to major incidents).
- In the context of COVID-19, there is also the Coronavirus Act 2020. This legal framework gives Local Authorities –through

Public Health and Environmental Health functions –the primary responsibility for the delivery and management of public health action to control outbreaks of infectious disease

All processing must be carried out in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) and any associated codes of practice issued by the ICO.

Article 6 (GDPR) lawful basis for processing personal data:

- Processing is necessary for compliance with a legal obligation
- Processing is necessary for the performance of task carried out in the public interest
- Processing is necessary in order to protect the vital interests of data subjects

Article 9 (GDPR) condition for processing special category personal data:

- Processing is necessary for reasons of public interest in the area of public health

The council will collect and use your personal information in order to manage and mitigate the spread and impact of the current outbreak of Covid-19:

- to protect public health,
- to provide public health and social care services to the public,
- to monitor and manage the Covid-19 outbreak and incidents of exposure,
- for the purposes of research

The information we collect about you:

The City of Wolverhampton Council will collect only the personal information we need to perform our functions. We will collect:

- Name;
- Contact information (home address, telephone number, email address);

- Date of visit, arrival time and, where possible, departure time, when you visit a local authority site, to support NHS Test and Trace.
- NHS number;
- Health and social care data, including ‘confidential patient information’. This can include a Covid-19 test result;
- Information relevant to your needs during the outbreak or your support needs if you are a carer;
- Information about what support you can provide to others.

The information we receive about you:

We receive information from Public Health England for the purpose of delivering services to adult social care services, workforce and the public about and in connection with Covid-19. This includes demographic information, such as age, sex, numbers of covid cases and associated contexts (workplace, school etc.)

We receive aggregate non-identifiable data from NHS Digital, which has been derived from the Covid-19 testing data. This includes demographic information, such as age ranges, sex, numbers of covid cases and associated contexts (postcode area etc.) This is for the purposes of understanding trends in Covid-19 progression in the local authority’s local area and to facilitate local decision-making on handling rising infection levels in the population. The information also aids our commissioning, monitoring and research in response to Covid-19.

How we use your information for Covid-19 purposes:

The City of Wolverhampton Council will use the information about you to:

- understand Covid-19 and the risks to public health, trends in Covid-19 and such risks, and controlling and preventing the spread of Covid-19 and such risks;
- identify and understand information about patients or potential patients with or at risk of Covid-19, information about incidents of patient exposure to Covid-19 and the management of patients with or at risk of Covid-19 including: locating,

contacting, screening, flagging and monitoring such patients and collecting information about and providing services in relation to self-isolation, fitness to work, social interventions and recovery from Covid-19;

- understand information about patient access to health services and adult social care services and the need for wider care of patients and vulnerable groups as a direct or indirect result of Covid-19 and the availability and capacity of those services or that care;
- monitor and manage the response to Covid-19 by health and social care bodies and the Government including providing information to the public about Covid-19 and its effectiveness and information about capacity, equipment, supplies, services and the workforce within the health services and adult social care services;
- deliver services to service users, vulnerable individuals, patients, clinicians, the health services and adult social care services workforce and the public about and in connection with Covid-19, including the provision of information and the provision of health care and adult social care services;
- research and plan in relation to Covid-19; and

We will also use your data to help understand the response to an emergency and build lessons learnt, as well as evaluate the services we provide to see if we are fulfilling our legal obligations and help build them for the future.

How long we keep your information for:

We will keep your information that also relates to Covid-19 in line with instructions from the Department of Health and Social Care. The Council have been instructed to do this from 20th March 2020, until 31st March 2021, unless this instruction is reviewed before the end date, or extended beyond it by the Government.

Visitor logs that collect your data when you visit a local authority site, such as a; Library, Museum, Art Gallery Town halls and Civic centres for events, Community centres, and Children's centre, are used for NHS Test and Trace. This data will be held for 21 days

and will be securely deleted on the 22nd day. This covers 14 days incubation period of the virus, 7 extra days to allow for testing and tracing.

Who we share your information with:

The City of Wolverhampton Council will share your information with:

- Department of Health and Social Care, and all arm's length bodies of the department;
- Other central government departments as appropriate; such as Public Health England
- GP practices;
- The Royal Wolverhampton Hospitals NHS Foundation Trust;
- Other providers of healthcare or NHS bodies where appropriate;
- NHS Digital;
- NHS England;
- NHS Improvement;
- Police;
- Other local authorities where appropriate;
- Our providers, including labs for testing purposes
- Community Groups where appropriate;
- Volunteers and charities where appropriate;
- Other local organisations where appropriate

Your personal data may also be shared with regulatory and statutory bodies who assess council performance and financial spend, as well as where required by law, such as to prevent and detect crime or fraudulent activity.

Your data rights:

Under the General Data Protection Regulation 2016/679 and the Data Protection Act 2018, you have rights of how your personal and special category (known as sensitive) information is used. You have the rights to:

- Access to your information;
- Correction of inaccurate information;

- The right to be forgotten (erasure), in some circumstances;
- The right to object, in some circumstances;

More information on your data rights can be found on the Information Commissioners Office site here: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

The City of Wolverhampton Councils other Privacy Notices can be found here: <https://www.wolverhampton.gov.uk/your-council/our-website/privacy-and-cookies-notice>

The City of Wolverhampton Public Health Privacy notice can be found here:
https://www.wolverhampton.gov.uk/sites/default/files/2019-06/Privacy%20Notice%20Public%20Health%20May%202019%20final_0.pdf

Public Health England Personal Information Charter can be found here: <https://www.gov.uk/government/organisations/public-health-england/about/personal-information-charter>

Find out how NHS Digital is using your data in its work to support the government response to coronavirus (COVID-19).
<https://digital.nhs.uk/coronavirus/coronavirus-covid-19-response-information-governance-hub>

Using your rights:

If you wish to use any of these rights, please contact us using one of the methods below:

Online:

<https://www.wolverhampton.gov.uk/your-council/information-governance/data-protection>

In Writing:

Information Governance Team
City of Wolverhampton Council

Civic Centre
St Peter's Square
Wolverhampton
WV1 1SH

Telephone: 01902 554498

Email: data.protection@wolverhampton.gov.uk

How to contact us:

Please contact us if you have any questions about this privacy notice: dpo@wolverhampton.gov.uk

Making a complaint to the Information Commissioner

If you wish to make a complaint about how we use your personal data to the Information Commissioner's Office, you can contact them by visiting their website at <https://ico.org.uk/>