**COVID-19 Privacy Notice**

*(This Privacy Notice is to run alongside our standard Practice Privacy Notice)*

Due to the unprecedented challenges that the NHS and we, Park Green Surgery face due to the worldwide COVID-19 pandemic, there is a greater need for public bodies to require additional collection and sharing of personal data to protect against serious threats to public health.

In order to look after your healthcare needs in the most efficient way we, Park Green Surgery may therefore need to share your personal information, including medical records, with staff from other GP Practices including Practices within our Primary Care Network, as well as other health organisations (i.e. Clinical Commissioning Groups, Commissioning Support Units, Local authorities etc.) and bodies engaged in disease surveillance for the purposes of research, protecting public health, providing healthcare services to the public and monitoring and managing the Covid-19 outbreak and incidents of exposure.

The Secretary of State has served notice under Regulation 3(4) of the **Health Service (Control of Patient Information) Regulations 2002 (COPI)** to require organisations to process confidential patient information in the manner set out below for purposes set out in Regulation 3(1) of COPI.

**Purpose of this Notice**

The purpose of this Notice is to require organisations such as Park Green Surgery to process confidential patient information for the purposes set out in Regulation 3(1) of COPI to support the Secretary of State’s response to Covid-19 (Covid-19 Purpose). “Processing” for these purposes is defined in Regulation 3(2) and includes dissemination of confidential patient information to persons and organisations permitted to process confidential patient information under Regulation 3(3) of COPI. This Notice is necessary to require organisations such as Park Green Surgery to lawfully and efficiently process confidential patient information as set out in Regulation 3(2) of COPI for purposes defined in regulation 3(1), for the purposes of research, protecting public health, providing healthcare services to the public and monitoring and managing the Covid-19 outbreak and incidents of exposure.

**Requirement to Process Confidential Patient Information**

The Secretary of State has served notice to recipients under Regulation 3(4) that requires Park Green Surgery to process confidential patient information, including disseminating to a person or organisation permitted to process confidential patient information under Regulation 3(3) of COPI.

Park Green Surgery is only required to process such confidential patient information:

* where the confidential patient information to be processed is required for a Covid-19 Purpose and will be processed solely for that Covid-19 Purpose in accordance with Regulation 7 of COPI
* from 20th March 2020 for the duration of the pandemic.

**Covid-19 Purpose**.

A Covid-19 Purpose includes but is not limited to the following:

* understanding Covid-19 and risks to public health, trends in Covid-19 and such risks, and controlling and preventing the spread of Covid-19 and such risks
* identifying and understanding 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 testing, diagnosis, self-isolation, fitness to work, treatment, medical and social interventions and recovery from Covid-19
* understanding 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
* monitoring and managing 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, medicines, equipment, supplies, services and the workforce within the health services and adult social care services
* delivering services to 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, fit notes and the provision of health care and adult social care services
* research and planning in relation to Covid-19.

**Recording of processing**

 A record will be kept by Park Green Surgery of all data processed under this Notice.

**Sending Public Health Messages**

Data protection and electronic communication laws will not stop Park Green Surgery from sending public health messages to you, either by phone, text or email as these messages are not direct marketing.

**Digital Consultations**

It may also be necessary, where the latest technology allows Park Green Surgery to do so, to use your information and health data to facilitate digital consultations and diagnoses and we will always do this with your security in mind.

**Research and Pandemic Planning**

The Secretary of State has directed NHS Digital to collect, process and analyse data in connection with COVID-19 to support the Secretary of State’s response to COVID-19 and support various COVID-19 purposes set out in the COVID-19 Public Health Directions 2020, 17 March 2020 (as amended) (COVID-19 Direction) and below. This enables NHS Digital to collect data and analyse and link the data for COVID-19 purposes with other data held by NHS Digital.

The purpose of the data collection is also to respond to the intense demand for General Practice data to be shared in support of vital planning and research for COVID-19 purposes, including under the general legal notice issued by the Secretary of State under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI).

 NHS Digital has therefore been requested by the joint co-chairs of the Joint GP IT Committee (JGPITC) (the BMA and RCGP) to provide a tactical solution during the period of the COVID-19 pandemic to meet this demand and to relieve the growing burden and responsibility on General Practices. On 15 April 2020 the BMA and RCGP therefore gave their support via JGPITC to NHS Digital’s proposal to use the General Practice Extraction Service (GPES) to deliver a data collection from General Practices, at scale and pace, as a tactical solution to support the COVID-19 response in the pandemic emergency period.

It is a requirement of the JGPITC that all requests by organisations to access and use this data will need to be made via the NHSX SPOC COVID-19 request process, that will triage and prioritise these requests and refer appropriate requests on to the NHS Digital Data Access Request Service (DARS). NHS Digital will consult with representatives of the BMA and the RCGP on all requests for access to the data. An outline of the process for this agreed with the BMA and the RCGP is published here. Requests by organisations to access record level data from this collection will also be subject to Independent Group Advising on the Release of Data (IGARD) consideration. Data applicants will need to demonstrate they have a lawful basis to access the data for COVID-19 purposes.

**Benefits of this sharing**

Organisations, including the Government, health and social care organisations and researchers need access to this vital data for a range of COVID-19 purposes, to help plan, monitor and manage the national response to the COVID-19 pandemic, which will help save lives. COVID-19 purposes for which this data may be analysed and used may include:

* understanding COVID-19 and risks to public health, trends in COVID-19 and such risks, and controlling and preventing the spread of COVID-19 and such risks
* identifying and understanding 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 testing, diagnosis, self-isolation, fitness to work, treatment, medical and social interventions and recovery from COVID19
* understanding information about patient access to health services and adult social care services as a direct or indirect result of COVID-19, and the availability and capacity of those services • monitoring and managing 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, medicines, equipment, supplies, services and the workforce within the health services and adult social care services
* delivering services to 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, fit notes and the provision of health care and adult social care services; and
* research and planning in relation to COVID-19.

Data may be analysed and linked to other data held by NHS Digital or held by other organisations to which access to the data is granted for COVID-19 purposes, through the process described above.

Data will be collected nationally from all GP Practices by NHS Digital every fortnight. All requests to access this data will be triaged through the NHSX SPOC COVID-19 request process and assessed and fulfilled by NHS Digital through DARS. This will significantly reduce the burden on General Practice at a time when demand on resources is high, enabling General Practice to focus on delivering health care and support to patients. It will also reduce compliance burden and risk for General Practice associated with sharing data and complying with the terms of the general legal notice issued under COPI, which applies to General Practices.

**Legal Basis for this collection**

NHS Digital has been directed by the Secretary of State under section 254 of the 2012 Act under the COVID-19 Direction to establish and operate a system for the collection and analysis of the information specified for this service: GPES Data for Pandemic Planning and Research (COVID-19). A copy of the COVID-19 Direction is published here: https://digital.nhs.uk//about-nhs-digital/corporate-information-and-documents/directions-anddata-provision-notices/secretary-of-state-directions/covid-19-public-health-directions-2020.

Details of the information to be collected can be found on the NHS Digital website – Specification of this DPN. Type 1 objections will be upheld in collecting this data from General Practices and therefore the data for those patients who have registered a Type 1 objection with their GP will not be collected. The Type 1 objection prevents an individual’s personal identifiable confidential information from being shared outside of their GP Practice except when it is being used for the purposes of their direct care. The National Data Opt-Out will not apply to the collection of the data, as this is a collection which is required by law.

This information is required by NHS Digital under section 259(1)(a) of the 2012 Act to comply with the COVID-19 Direction. In line with section 259(5) of the 2012 Act, all organisations in England that are within the scope of this Notice, as identified below under Health and Social Care Bodies within the scope of the collection, must comply with the requirement and provide information to NHS Digital in the form, manner and for the period specified in this Notice. This Notice is issued in accordance with the procedure published as part of NHS Digital’s duty under section 259(8) of the 2012 Act.

**Visitors to The Practice**

We have an obligation to protect our staff and employees’ health, so it is reasonable for staff at Park Green Surgery to ask any visitors to our practice to tell us if they have visited a particular country, or are experiencing COVID-19 symptoms. This must only be in pre-approved circumstances and we would also ask all patients to consider government advice on the NHS 111 website and not attend the practice.

Where it is necessary for us to collect information and specific health data about visitors to our practice, we will not collect more information than we need, and we will ensure that any information collected is treated with the appropriate safeguards.

**Supporting Our Patients to Access Vaccination for Coronavirus**

**Purpose**: Local Public Health colleagues at Wakefield Council are providing support to us in contacting our registered patients, who are 18 years or age and older and who have not yet come forward to take up the offer of the Covid-19 vaccination. As part of a telephone call individuals will be informed that they are eligible for the vaccine, offered details of where and how they can receive the vaccine and offered support in making an appointment to receive the vaccine.

**Lawful basis**

The legal basis for processing your personal information under the General Data Protection Regulation for this purpose is:

Article 6(1)(e) Processing is necessary for the performance of a task carried out in the exercise of official authority; and

Article 9(2)(h) Processing is necessary for the purposes of preventative medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services; and

Article 9 2 (i) Processing is necessary for reasons of public interest in the area of public health.

This activity is also supported by the notice served under Regulation 3(4) of the [Health Service (Control of Patient Information) Regulations 2002 (COPI)](https://www.legislation.gov.uk/uksi/2002/1438/contents/made), which enables public bodies to process personal data for specific and limited reasons to protect against the threat to public health during the Covid pandemic.

**Type of information used**

Information that identifies you including your name, address, full postcode, date of birth, contact telephone numbers.

**Who we will share the information with (recipients)**

With Local Public Health colleagues at Wakefield Council who are working with us in contacting our registered patients who are 18 years of age and older and who have not yet come forward to take up the offer of the Covid-19 vaccination.

**Vaccine Confidence Initiatives**

**Do we use any Processors**

Our Clinical Commissioning Group (NHS Wakefield CCG) are supporting us with the secure extraction of information for this purpose.

**How we collect (the source) and use the information**

The source of this information is your GP Practice health record.

**How long we will keep the information**

Your GP health record is kept by us in line with the Records Management Code of Practice 2021. This sets out that GP Patient Records should be retained for the life of the patient plus at least ten years after death.

Personal data processed for this particular purpose will only be retained for as long as the Control of Patient Information Regulations 2002 (COPI) notice, which supports processing of personal data for a Covid purpose, remains in place.

**Your Rights**

With regards to the data protection law you have the right:

* To be informed about the processing of your information (this notice)
* Of access to the information held about you
* To have the information corrected in the event that it is inaccurate
* To restrict or stop processing
* To object to it being processed or used
* Not to be subject automated decision-taking or profiling
* To be notified of data breaches

**Purpose**: Local Public Health colleagues at Wakefield Council are providing support by carrying out whole street door to door visits in areas identified as having a high incidence of unvaccinated individuals who are 18 years of age and older and who have not yet come forward to take up the offer of the Covid-19 vaccination. This will provide the opportunity for a face-to-face conversation offering advice and sign posting about taking up the vaccine. In order to carry this out, our local Clinical Commissioning Group (NHS Wakefield CCG) have undertaken some analysis to identify areas (to street level) which have the highest incidence of unvaccinated individuals.

**Lawful basis**

The legal basis for processing your personal information under the General Data Protection Regulation for this purpose is:

Article 6(1)(e) Processing is necessary for the performance of a task carried out in the exercise of official authority; and

Article 9(2)(h) Processing is necessary for the purposes of preventative medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services; and

This activity is also supported by the notice served under Regulation 3(4) of the [Health Service (Control of Patient Information) Regulations 2002 (COPI)](https://www.legislation.gov.uk/uksi/2002/1438/contents/made), which enables public bodies to process personal data for specific and limited reasons to protect against the threat to public health during the Covid pandemic.

**Type of information used**

Full postcode and vaccination status are required for the analysis to identify areas at street level.

**Who we will share the information with (recipients)**

With our Clinical Commissioning Group (NHS Wakefield CCG).

Only areas at street level will be shared with Public Health colleagues for the purposes of this initiative. No person identifiable information or information which would identify individual homes will be shared.

**Do we use any Processors**

No.

**How we collect (the source) and use the information**

The source of this information is your GP Practice health record.

**How long we will keep the information**

Your GP health record is kept by us in line with the Records Management Code of Practice 2021. This sets out that GP Patient Records should be retained for the life of the patient plus at least ten years after death.

Personal data processed for this particular purpose will only be retained for as long as the Control of Patient Information Regulations 2002 (COPI) notice, which supports processing of personal data for a Covid purpose, remains in place.

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