



Privacy Notice – COVID-19

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

Plain English explanation

Due to the unprecedented challenges that the NHS and we, Eleanor Cross Healthcare, 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, Eleanor Cross Healthcare, 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 Eleanor Cross Healthcare 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 sharing of confidential patient information to persons and organisations permitted to process confidential patient information under Regulation 3(3) of COPI. Eleanor Cross Healthcare is required to lawfully and efficiently process confidential patient information as set out in Regulation 3(2) of COPI 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 as defined in Regulation 3(1).

Requirement to Process Confidential Patient Information

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

Eleanor Cross Healthcare 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 until 30th June 2022.

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 Eleanor Cross Healthcare of all data processed under this Notice.

Visitors to The Practice

We have an obligation to protect our staff and employees’ health, so it is reasonable for staff at Eleanor Cross Healthcare 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.

Review and Expiry of this Notice

This Notice will be reviewed on or before 30 September 2021 and may be extended by The Secretary of State. If no further notice is sent to Eleanor Cross Healthcare by The Secretary of State this Notice will expire on 30 September 2021.

We are required by Articles in the UK GDPR to provide you with the information in the following 9 subsections:

<p>1) Data Controller contact details</p>	<p>Eleanor Cross Healthcare Delapre Medical Centre Gloucester Avenue Northampton NN4 8QF</p>
<p>2) Data Protection Officer contact details</p>	<p>Hayley Gidman Midlands and Lancashire CSU FAO: Delapre Medical Centre Gloucester Avenue Northampton NN4 8QF</p>
<p>3) Purpose of the processing</p>	<p>A Covid-19 Purpose includes but is not limited to the following:</p> <ul style="list-style-type: none"> • 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

	<p>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</p> <ul style="list-style-type: none"> • 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.
<p>4) Lawful basis for processing</p>	<p>The processing of personal data is supported under the following Article 6 and 9 conditions of the GDPR:</p> <p><i>Article 6(1)(c) 'processing is necessary for compliance with a legal obligation to which the controller is subject'.</i></p> <p><i>Article 6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'</i></p> <p><i>Article 9(2)(g) 'processing is necessary to reasons of substantial public interest, on the basis of ... law'.</i></p> <p><i>Article 9(2)(h) '...necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...''.</i></p> <p>We will also recognise your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"*.</p> <p>The Secretary of State has served notice to recipients under Regulation 3(4) of COPI that requires Eleanor Cross Healthcare to process confidential patient information, including disseminating to a person or organisation permitted to process confidential patient information under Regulation 3(3) of COPI.</p>
<p>5) Recipient or</p>	<p>The Secretary of State has issued 4 notices under COPI requiring the following</p>

<p>categories of recipients of the processed data</p>	<p>organisations to process information:</p> <ul style="list-style-type: none"> - NHS Digital - NHS England and Improvements - health organisations - arm’s length bodies (i.e. Public Health England) - local authorities - general practices.
<p>6) Right to object</p>	<p>You have the right to object to some or all the information being processed under Article 21.</p> <p>During the period of emergency opt-outs will not generally apply to the data used to support the coronavirus (COVID-19) outbreak due to the public interest in sharing information. NHS Digital has agreed with the National Data Guardian, the British Medical Association and the Royal College of General Practitioners to respect Type 1 objections.</p> <p>You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance.</p>
<p>7) Right to access and correct</p>	<p>You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.</p>
<p>8) Retention period</p>	<p>The data will be retained in line with the law and national guidance. Further information can be found at https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016 or speak to the practice.</p>
<p>9) Right to Complain</p>	<p>You have the right to complain to the Information Commissioner’s Office, you can use this link https://ico.org.uk/global/contact-us/ or call their helpline tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate).</p>

* “Common Law Duty of Confidentiality”, common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed

without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.