**Data Sharing with Local Authority Public Health Teams**

**22 June 2020**

1. **Agreed Terms / Interpretation**

“Covid-19 Purposes”: The purposes for processing confidential patient information as specified in the ‘Covid-19 – Notice under Regulation 3(4) of the Health Service Control of Patient Information Regulations 2002’ from the Secretary of State for Health and Social Care to Local Authorities in England dated 20 March 2020.

1. **Objectives for Processing**

The Data shall be processed for the purpose of 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. Specifically, this will enable:

1. 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;
2. identifying and understanding information about patients with Covid-19 and collecting information about services in relation to testing for Covid-19;
3. monitoring and managing the response to Covid-19 by health and social care bodies in relation to testing for Covid-19;
4. research and planning in relation to testing for Covid-19.
5. **Termination Date**

30 September 2020 or until such time as the ‘Covid-19 – Notice under Regulation 3(4) of the Health Service Control of Patient Information Regulations 2002’ from the Secretary of State for Health and Social Care to Local Authorities in England dated 20 March 2020 is extended.

1. **Legal Gateway (common law duty)**

Regulation 3 of the Health Service (Control of Patient Information) Regulations 2002 in accordance with the ‘Covid-19 – Notice under Regulation 3(4) of the Health Service Control of Patient Information Regulations 2002’ from the Secretary of State for Health and Social Care to Local Authorities in England dated 20 March 2020.

1. **Lawfulness of Processing (GDPR)**

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

More particularly, the legal bases for any processing are:

Article 6.1.(e) - processing 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; and

Article 9.2.(i) – processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.

1. **Obligations on Local Authority**

For the processing of personal data and special category personal data (as detailed in Schedule 1) the Local Authority must comply with GDPR and PHE must be assured that the transfer of data is both lawful and legitimate. In short, each Local Authority that received personal data and special category personal data from PHE must demonstrate the following:

1. in line with Articles 13 and 14 of GDPR, the Local Authority must ensure that their privacy notices are clear and provide sufficient information to the data subjects for them to understand what of their Personal Data is shared, details the rights of the data subject, the circumstances in which it was shared, the purposes for the data sharing and the identity of the Controller;
2. in line with Chapter 3 of GDPR, the Local Authority must have policies and procedures in place to comply with the rights of the data subject including but not limited to the rights of access, rectification and profiling;
3. in line with Article 5(1)(f) of GDPR, the Local Authority must ensure appropriate security of the Personal Data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures; and
4. in line with Article 24 of GDPR, the Local Authority must ensure that they have implemented appropriate data protection policies across the organisation

**Schedule 1: Detailed Data Specification (personal data)**

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| **Field name** | **Description** |
| Record ID | Unique record identifier |
| Sex | Patient sex |
| Age | Patient age in years |
| Postcode | Patient place of residence postcode |
| Ethnic Group | Patient ethnic group (not initially included, pending a quality / completion review?) |
| Occupation | Patient occupational group  |
| Key Worker | Patient key worker status  |
| Test Date | Date of Covid-19 test or specimen test |
| Pillar | Covid-19 test location type (laboratory, mobile testing station, home test) |