

COVID-19 (Coronavirus): Care Homes Evidence of Vaccination Privacy Notice

Last update: 24 September 2021

Introduction

This privacy notice explains how the Council will use your data when we collect and maintain records to comply with a legal requirement to ensure that persons do not enter the indoor premises of care homes run by the Council unless they have been fully vaccinated against COVID-19.

This requirement does not apply to residents, or to friends and relatives visiting residents, and there are exemptions in various other circumstances.

The UK is currently experiencing a public health emergency as a result of the coronavirus (COVID-19) pandemic. The Government has made regulations that require any person registered with the Care Quality Commission (CQC) as a manager or service provider of a care home to ensure that everyone who enters the care home is either vaccinated or exempt.

To fulfil this requirement, the Council is asking all people wishing to enter its care homes to show evidence that they have received a full course of vaccination or are exempt. This includes checking evidence from care home staff, health care professionals, CQC inspectors, tradespeople, hairdressers and beauticians, and others.

For the purposes of demonstrating complying with the regulations, the Council will keep a record of:

- the vaccination or exemption status of staff members and the date that the status was last checked, and
- the vaccination or exemption status of those entering the care home unless exempt and the date that the status was last checked.

Who will be using your data?

Nottinghamshire County Council will be the data controller for the data you provide to us.

What personal data do we use?

- Name
- Job role
- Whether you are fully vaccinated and the date when we checked that
- Whether you are medically exempt
- The route used to demonstrate evidence e.g. the NHS App, the NHS website, or the NHS COVID Pass letter

If you are medically exempt, we will not record the clinical reasons for your exemption.

The regulations permit some persons to enter care homes in emergency situations without showing evidence of vaccination. In those circumstances we will record name, job role, company or organisation, the date of visit, and the nature of the emergency.

Why do we use your data?

If we collect your data specifically for the purpose of demonstrating the Council's compliance with the regulatory requirements to ensure persons entering care homes are fully vaccinated, we will only use the data for that purpose.

What legal reasons allow us to use your data in this way?

We are processing your personal data on the lawful basis of legal obligation in accordance with Article 6(1)(c) of UK GDPR because the processing is necessary to comply with a legal obligation laid down by UK law.

Some of the personal data is special category (sensitive) data concerning health. We are processing that data because it is necessary for reasons of substantial public interest and the exercise of a function conferred on the Council by an enactment or rule of law, in accordance with Article 9(2)(g) of UK GDPR and Schedule 1 Part 2(6) of the Data Protection Act 2018.

Who may we share your data with or receive it from?

We will only collect the data from you or from persons you have authorised to provide the information to us on your behalf.

Your data may be shared internally within the team of Council staff responsible for the care home, or with more senior managers for monitoring purposes.

We will not share your data with any other person or organisation, unless we are legally required to do so, for example in response to a court order or request from a lawful authority.

May personal data be transferred overseas?

The Council will not transfer personal data collected for this purpose outside the UK.

How long is your data kept for?

The Council will keep any data we collect, for the purpose of ensuring that only fully vaccinated or exempt persons enter care home, for up to seven years from the date when we last checked your vaccination status.

If we have also received your data for another purpose, we may keep the data for a longer period. Please refer to the Council's other privacy notices for information on how we process your data for other purposes.

<https://www.nottinghamshire.gov.uk/global-content/privacy>

Council staff should also refer to the Staff Employment and Development privacy notice for information about how the Council processes your personal data for other purposes and about your information rights.

What will happen if you do not provide or we cannot obtain the data needed?

If you do not provide your personal data for the purposes of demonstrating your vaccination status, the Council may be legally required to refuse entry to a care home.

Does the service make decisions using fully automated processes?

No.

What rights do you have over this use of your data?

- To be informed about how we use your data
- To access a copy of your data that we process
- To have us rectify or correct your data that we process
- To restrict our processing of your personal data
- To object to the use of your data
- To have your personal data erased
- To request that we transfer your information to you or another organisation
- To object to fully automated decision making
- To withdraw your consent (if it the legal reason why we use your data).

Some of these rights are subject to exceptions.

Contact the Data Protection Officer:

If you have any concerns about how the Council is using your data, you can contact the Council's Data Protection Officer by writing to:

DPO@nottsc.gov.uk

Or

Data Protection Officer
Nottinghamshire County Council
County Hall

West Bridgford
Nottingham
NG2 7QP

Please see the County Council's main privacy statement for further information:
<http://www.nottinghamshire.gov.uk/global-content/privacy>

Contact details of the Information Commissioner's Office:

If you are unhappy with how your data has been processed by the Council or you feel your data protection rights have been breached, you have the right to complain to the Information Commissioner's Office at:

www.ico.org.uk

Or

Wycliffe House
Water Lane
Wilmslow
SK9 5AF