

## COVID-19 Privacy Notice

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

Due to the unprecedented challenges that the NHS and we, Primary Care Doncaster Limited (PCD) 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, PCD may therefore need to share your personal information, including medical records, with staff from 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 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 PCD 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 PCD to process confidential patient information, including disseminating to a person or organisation permitted to process confidential patient information under Regulation 3(3) of COPI.

PCD 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 27<sup>th</sup> January 2021 until 30<sup>th</sup> September 2021.

### **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 PCD of all data processed under this Notice.

### **Sending Public Health Messages**

Data protection and electronic communication laws will not stop PCD 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 PCD 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. 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: [Coronavirus \(COVID-19\): notice under regulation 3\(4\) of the Health Service \(Control of Patient Information\) Regulations 2002 – general - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/coronavirus-notice-under-regulation-34-of-the-health-service-control-of-patient-information-regulations-2002-general)

Details of the information to be collected can be found on the NHS Digital website. 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, , 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 our Service**

We have an obligation to protect our staff and employees' health, so it is reasonable for staff at PCD to ask any patients/service users to our services 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 services ran by PCD.

Where it is necessary for us to collect information and specific health data about visitors to our services, 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 was reviewed on 27<sup>th</sup> August 2021 and has been extended to 31<sup>st</sup> March 2022