

# COVID-19 Privacy Notice for Patients / Service Users

## Scope

This notice describes how we may use your information to protect you and others during the COVID-19 outbreak. It supplements our main Privacy Notice which is available here: <https://www.enherts-tr.nhs.uk/help/privacy-data-protection/>

For more information on Critical Worker COVID-19 testing, please see the Department of Health and Social Care (DHSC)'s [Staff Testing Privacy Notice](#).

For more information on the COVID-19 Clinical Risk Assessment Tool, please see the separate Privacy Notice available on the Trust website.

## Introduction

The health and social care system is facing significant pressures due to the COVID-19 outbreak. Health and care information is essential to deliver care to individuals, to support health and social care services and to protect public health. Information will also be vital in researching, monitoring, tracking and managing the outbreak. In the current emergency it has become even more important to share health and care information across relevant organisations.

## Sharing your information as part of our COVID-19 Response Plan

Existing law which allows confidential patient information to be used and shared appropriately and lawfully in a public health emergency is being used during this outbreak. Using Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI), and related legislation, the Secretary of State has issued COPI Notices which requires NHS Digital; NHS England and Improvement; Arms Length Bodies (such as Public Health England); local authorities; health organisations and GPs to share confidential patient information to respond to the COVID-19 outbreak. Any information used or shared during the COVID-19 outbreak will be limited to the period of the outbreak unless there is another legal basis to use the data. Further information is available on gov.uk [here](#) and some FAQs on this law are available [here](#).

During this period of emergency, opt-outs will not generally apply to the data used to support the COVID-19 outbreak, due to the public interest in sharing information. This includes [National Data Opt-outs](#). However in relation to the Summary Care Record, existing choices will be respected. Where data is used and shared under these laws your right to have personal data erased will also not apply. It may also take us longer to respond to Data Subject Access Requests, Freedom of Information Requests and new opt-out requests whilst we focus our efforts on responding to the outbreak. For more information on Data Subject Access Requests (DSARs), please see the relevant section below. For more information on Freedom of Information Requests, please see our Freedom of Information page located here: <https://www.enherts-tr.nhs.uk/foi/>

In order to look after your health and care needs we may share your confidential patient information including health and care records with clinical and non clinical staff in other health and care providers, for example neighbouring GP practices, hospitals and NHS 111 as well as our own trusted Data Processors, where appropriate. We may also use the details we have to send public health messages to you, either by phone, text or email.

During this period of emergency we may offer you a consultation via telephone or video-conferencing. By accepting the invitation and entering the consultation you are consenting to this. Your personal/confidential patient information will be safeguarded in the same way it would with any other consultation. For more information on the videoconferencing technologies which may be used, please see the relevant section below.

We may also invite you and your family members to enter into a video conference call with one another where hospital visitation is not possible or practical. By accepting the invitation and engaging in the video conference call you and your family members are consenting to this. Your personal/confidential patient information will be safeguarded in the same way it would with any other hospital visitation. For more information on the videoconferencing technologies which may be used, please see the relevant section below.

Where applicable, we may also invite you to upload clinical photography images and audiovisual records to us directly in order to minimise your hospital visits. Where this is required, you will be instructed to download a specific application in order to do so. No photographs or audiovisual records will be stored on your device. By accepting the invitation and uploading the clinical photography images you are consenting to this. Once the data has been received into the Trust, your personal/confidential patient information will be safeguarded in the same way as if your clinical photography images and audiovisual records were captured by a clinician on-site. For more information on the clinical photography technologies which may be used, please see the relevant section below.

Where appropriate, we may also process your Personal Data in the form of well-wishing 'Stay in Touch' comments made through our website from family members, friends and other individuals to patients, including the processing of photographs and messages. This is a mechanism for patients to stay in touch with the outside world during this period of limited hospital visitations, enabling us to protect both our patients and our staff and facilitate social distancing. By completing this user form, you are consenting to your Personal Data being used for this purpose. The email address you provide may be used to attempt to contact you if our Patient Experience team have any queries about your message, or are unable to pass on your message for any reason. Please bear in mind that our Patient Experience staff, our ward staff and other related Trust staff may need to review your message before passing it on to the patient so that we can ensure that the service is operating as intended. Our staff will not share your Personal Data, your contact details, your photographs or your messages, as they relate to the 'Stay in Touch' project, outside of the Trust for any reason. We will not process this Personal Data for any purpose other than to pass on your message and perform any associated actions. We will not retain your Personal Data for any longer than necessary; this data will be managed and subsequently deleted by the Trust in line with the Record Management Code of Practice for Health and Social Care 2016.

We may also be required to share personal/confidential patient information with health and care organisations and other bodies engaged in disease surveillance for the purposes of protecting public health, providing healthcare services to the public and monitoring and managing the outbreak. Further information about how health and care data is being used and shared by other NHS and social care organisations in a variety of ways to support the COVID-19 response is [here](#).

NHS England and Improvement and NHSX have developed a single, secure store to gather data from across the health and care system to inform the COVID-19 response. This includes data already collected by NHS England, NHS Improvement, Public Health England and NHS Digital. New data will include 999 call data, data about hospital occupancy and A&E capacity data as well as [data provided by patients themselves](#). All the data held in the platform is subject to strict controls that meet the requirements of Data Protection Legislation.

In such circumstances where you tell us you're experiencing COVID-19 symptoms we may need to collect specific health data about you. Where we need to do so, we will not collect more information than we require and we will ensure that any information collected is treated with the appropriate safeguards.

We may also process your data relating to COVID-19 symptoms for the purposes of research and development in the interest of protecting public health. For more information on the Trust's research activities, please see: <https://www.enherts-tr.nhs.uk/about/research/patients-visitors/>

### ***Sharing Information for Covid-19 Vaccination of Patients and Health & Care Staff***

Part of the national response to the Covid-19 pandemic is recording the details of who has been vaccinated against Covid-19 and when. Normally, vaccinations are undertaken in GP settings. However, with Covid-19, this will be undertaken in a variety of care settings and for the majority of health and care staff will be managed by "lead providers" on behalf of local health and care organisations. It remains the choice of the individual whether to have the vaccine, but we need to be able to share staff details with the lead providers to ensure all staff are given the chance to receive their vaccination as part of the early cohort and we must record the details of the vaccination and share that to your GP, so your health records are kept up to date.

Under UK GDPR, the lawful basis for processing this data is found at Articles:

*6(1)(c) Processing is necessary for compliance with a legal obligation to which the controller is subject,*

*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

*9(2)(h) Processing is necessary for the purposes of the provision of health or social care or treatment.*

In addition, with the Covid-19 vaccination, we may have an obligation to let your employer know that you have been vaccinated to support their obligation to safety in the workplace. The lawful basis for this processing is found at Articles:

*6(1)(c) Processing is necessary for compliance with a legal obligation to which the controller is subject,*

*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

*9(2)(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment*

*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*

Across the East of England a variety of lead providers and existing local/national systems for booking/recording and sharing of the necessary information will be used to enable the ability to rapidly roll-out this vaccination programme to staff.

For more information on the COVID-19 vaccination programme, please see the National COVID-19 and Flu Vaccination Programme Privacy Notice, available at:

<https://www.england.nhs.uk/contact-us/privacy-notice/national-flu-vaccination-programme/>

### **Data Subject Access Requests (DSARs)**

Please be aware that the Trust's resources are currently diverted away from our information governance and data protection function as we respond to the COVID-19 pandemic. As a result, our response to your Data Subject Access Request (DSAR) is likely to take longer than usual at this time. This is particularly likely to be the case if your request will require input from our clinical staff. The Trust is continuing to monitor and act in line with the latest guidance from the Information Commissioner's Office during this period. We apologise for any inconvenience this may cause and thank you for your understanding at this time. We remain committed to responding to your request and will aim to do so as soon as we are able.

For more information from the Information Commissioner's Office, please see:

<https://ico.org.uk/for-organisations/data-protection-and-coronavirus/>

If you have any concerns about the above, please contact the Trust's Data Protection Officer via: [dataprotection.enh-tr@nhs.net](mailto:dataprotection.enh-tr@nhs.net)

If you are dissatisfied with the way your request has been handled, you have the right to complain to the Information Commissioner. They can be contacted via their website: <https://ico.org.uk/global/contact-us/>, or over the phone: 0303 123 1113.

### **Attend Anywhere Limited (Attend Anywhere)**

The Trust will deploy Attend Anywhere as its Virtual Consultation tool during the response to the COVID-19 pandemic, to protect both our patients and our staff and facilitate social distancing and working from home scenarios.

This will involve sharing your name, email address and location data with Attend Anywhere, our trusted Data Processor and provider of virtual consultation services.

Personal Data in the form of your audiovisual likeness as well as information pertaining to your Special Category health data may also be processed, but this is not stored by the Trust or Attend Anywhere on a long-term basis.

If you have any questions or concerns about how your Personal Data is being used, please contact the Trust's Data Protection Officer via: [dataprotection.enh-tr@nhs.net](mailto:dataprotection.enh-tr@nhs.net)

For more information on how Attend Anywhere process your Personal Data, please see their Privacy Notice: <https://www.attendanywhere.com/privacy.html>

### **WIFISPARK Limited (WiFi SPARK)**

The Trust will deploy WiFi SPARK technologies as one of its Remote Hospital Visitation Video Conference Call tools during the response to the COVID-19 pandemic, to protect our patients, patient's families and our staff and facilitate social distancing and working from home scenarios.

This will involve sharing your name, email address, telephone number, identification numbers and location data, as well as the name, email address, telephone number and location data of the relevant family members, with WiFiSpark, our trusted Data Processor and provider of video conference and entertainment services.

Personal Data in the form of your audiovisual likeness, the audiovisual likenesses of the relevant family members, as well as information pertaining to your Special Category health data may also be processed, but this is not stored by the Trust or WiFiSpark on a long-term basis.

If you have any questions or concerns about how your Personal Data is being used, please contact the Trust's Data Protection Officer via: [dataprotection.enh-tr@nhs.net](mailto:dataprotection.enh-tr@nhs.net)

For more information on how WiFi SPARK process your Personal Data, please see their Privacy Notice: <https://www.wifispark.com/privacy-policy>

### **vCreate Ltd. (vCreate)**

The Trust will deploy vCreate technologies as one of its Remote Hospital Visitation Video Conference Call tools during the response to the COVID-19 pandemic, to protect our patients, patient's families and our staff and facilitate social distancing and working from home scenarios.

This will involve sharing your name, email address, telephone number, identification numbers and location data, as well as the name, email address, telephone number and location data of the relevant family members, with vCreate, our trusted Data Processor and provider of video conference and audiovisual diary services.

Personal Data in the form of your audiovisual likeness, the audiovisual likenesses of the relevant family members, as well as information pertaining to your Special Category health data may also be processed, but this will be deleted by both the Trust and vCreate upon the patient's discharge.

If you have any questions or concerns about how your Personal Data is being used, please contact the Trust's Data Protection Officer via: [dataprotection.enh-tr@nhs.net](mailto:dataprotection.enh-tr@nhs.net)

For more information on how vCreate process your Personal Data, please see their Privacy Notice: <https://www.vcreate.tv/privacy>

### **Wilde and Betts Agency Limited (WABA)**

The Trust will deploy WABA technologies as its Remote Clinical Photography tool during the response to the COVID-19 pandemic, to protect both our patients and our staff and facilitate social distancing and working from home scenarios.

This will involve sharing your name, telephone number and location data with WABA, our Data Processor and provider of clinical photography services.

Personal Data in the form of your audiovisual likeness as well as information pertaining to your Special Category health data may also be processed, but this is not stored by WABA on a long-term basis. Once received into the Trust, this information is processed in the same way as clinical photography images that are captured by a clinician on-site.

If you have any questions or concerns about how your Personal Data is being used, please contact the Trust's Data Protection Officer via: [dataprotection.enh-tr@nhs.net](mailto:dataprotection.enh-tr@nhs.net)

For more information on how WABA process your Personal Data, please contact them via: [info@wabalogic.com](mailto:info@wabalogic.com)