

Southend-on-Sea Borough Council Public Health Services

Privacy Notice, August 2018

1. Background

- 1.1 The Southend-on-Sea Public Health Service is part of Southend-on-Sea Borough Council. The Council is registered as a Data Controller with the Information Commissioner's Office (Registration Number Z6929331) under the Data Protection Act (2018).
- 1.2 The Southend-on-Sea Borough Council Public Health Directorate has a wide range of responsibilities related to understanding and improving the health, wellbeing and care needs of local communities and ensuring that differences in health outcomes are tackled and addressed by working to improve the health of the most disadvantaged members of the community.
- 1.3 As such, along with all Local Authorities, we have a duty to improve the health of the population we serve. To help with this, we use data and personal information from a range of sources, including data collected at the registration of a birth or death or from records of hospital treatment, to understand more about the health and care needs and the population health outcomes in the our area.

2. Who do we hold information about?

- 2.1 We hold information about people we directly provide a service to and about people we have a responsibility for in respect of our Public Health and health improvement functions. This will include residents of Southend-on-Sea, people receiving health and care services in Southend-on-Sea and people who work or attend school in Southend-on-Sea.
- 2.2 Under our statutory obligation to provide a public health advice service to our local NHS clinical commissioning group (CCG), this also extends to people resident in Southend CCG's area or registered with one of the CCG's general practices.

3. What information do we hold?

- 3.1 We collect some information/ data to enable us to provide direct care services to you. The precise details of the personal information held will depend on the services you are receiving from Public Health or an organisation commissioned to provide services on our behalf. The specific details collected will be explained when you start the relevant service. The standard identifiers used are: NHS number, Name, Date of Birth and Postcode.

- 3.2 We also receive some data, containing identifiers, to enable us to carry out Public Health functions that are not related to direct care. Some of these data are provided to us under specific data access agreements and an example of this is provided below in section 7 about *Access to Office for National Statistics (ONS) births and deaths data*.
- 3.3 Personal information that relates to an identifiable living individual is called *personal data*. This could be one piece of data, e.g. a person's name or a collection of data, such as name, address and date of birth and may include sensitive personal information/ special categories.

4. How do we collect this information?

- 4.1 Data and information may be provided to us directly by a member of the public when they sign up to use a service we are providing. In some cases it may be shared with us by another organisation due to us having a role in a service they are providing, or as part of providing local data analysis to support decisions related to Public Health functions like the commissioning of services or improving and protecting the public's health. This will include organisations such as national and local NHS bodies, the Office for National Statistics, NHS Digital, other local authorities and schools.

5. How do we use the information?

- 5.1 **Primary use of data (direct care services).** This is where a service collects and uses personal information that identifies individual residents and users of public health services in Southend-on-Sea and is known as 'personal data/ sensitive personal information/ special categories of personal data which includes data concerning health'. This personal data is required to enable us to carry out specific functions and services. There are statutory public health functions we must deliver that can involve the collection of personal data, which include but are not limited to:

- Helping protect people from the dangers of communicable diseases and environmental threats.
- Organising and paying for sexual health services.
- Providing specialist public health advice to primary care services: for example GPs and community health professionals.
- Organising and paying for height and weight checks for primary school children.
- Organising and paying for regular health checks for Southend-on-Sea people.

We may commission or provide these services ourselves. Internal to the Public Health Department itself, primary use includes, but is not restricted to, the delivery and management of the following public health services:

- Smoking cessation services, including outreach health checks.

5.2 Secondary use of data. The Public Health Directorate also uses data and information as part of the planning, commissioning and monitoring of services. This is to help ensure that services meet the needs of people now and in the future, that we take steps to improve and protect the public's health, that we work to reduce inequalities in health and that we provide an advisory service to the local NHS commissioner (NHS Southend CCG). These functions include:

- Producing assessments of the health and care needs of the population, in Particular to support the statutory responsibilities of the:
 - Joint Strategic Needs Assessment (JSNA)
 - The Director of Public Health's Annual report
 - The local Health and Wellbeing Strategy
- Identifying priorities for action
- Informing decisions on (for example) the design and commissioning of services,
- To assess the performance of the local health and care system and to evaluate and develop them.
- To report summary statistics to national organisations
- Undertaking equality analysis, particular for vulnerable groups
- To support clinical audits.
- To provide the mandated healthcare public health advice service to the local Clinical Commissioning Group (CCG).

In secondary use cases, the information is used in such a way that individuals cannot be identified and personal identifiable details are removed as soon as possible in the processing of the data. There is clear separation of data resources between those people nominated to process these data and those that use the data for secondary analysis. Depending on the circumstances, the data will be anonymised or de-identified (pseudonymised).

Anonymised data is information which does not identify an individual directly and which cannot reasonably be used to determine identity. Anonymisation does not allow information about the same individual to be linked in the same way that pseudonymisation does and is therefore more likely to be used for 'one-off queries' of data rather than consistent trend analysis.

Pseudonymisation (also known as de-identification) refers to the process of replacing personally identifiable information relating to a patient/service user with an alternative 'identifier' (such as a randomised reference number instead of their unique NHS number) in order that their data can be analysed appropriately (for example as part of trend analysis) without their personal identifiable data being disclosed unnecessarily.

6. What are our legal basis for processing your personal data?

Legal basis for access to Primary Care Mortality Database: Section 42(4) of the SRSA (2007) as amended by section 287 of the Health and Social Care

Act (2012) and Regulation 3 of the Health Service (Control of Patient Information) Regulations 2002.

General Data Protection Regulation (GDPR) – Article 6 (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.

General Data Protection Regulation (GDPR) Article 9 (h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health and social care or treatment or the management of health and social care systems and services on the basis of union or member state law or pursuant to contract with a health professional and subject to the conditions and safeguards.

General Data Protection Regulation (GDPR) Article 9 (i) processing is necessary for the 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 that provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.

7. How long do we keep information, who do we share it with and how is it kept secure?

- 7.1 We are required to comply with the Data Protection Act (2018)/General Data Protection Regulation (GDPR) to ensure information is managed securely and this is reviewed every year as part of our NHS Information Governance Toolkit assessment (please see <https://www.igt.hscic.gov.uk/>). Information is strictly made available only to key professionals who have a business need to see it. All staff are required to undertake regular training and to comply with policies and procedures around Data Protection, information security, confidentiality and the safe handling of information.

Public Health Southend-on-Sea Borough Council is committed to keeping personal information secure. We have implemented technical, administrative and physical procedures designed to protect personal information from loss, misuse or alteration.

- 7.2 We limit access to personal information to those who have a business need. We keep personal information for as long as is necessary in line with the Council's retention policies. This will depend on what the specific information is and the agreed period of time it may need to be referred to for a legal or business reason.
- 7.3 Information is only shared with other organisations where their involvement is required to provide a service, for us to comply with our Public Health responsibilities or where we are under a legal requirement to share it. The organisations we may need to share information with include organisations such as national and local NHS bodies, the Office for National Statistics, NHS

Digital, other local authorities and schools. Any sharing will be assessed to ensure the organisations will meet the same standards of security and confidentiality as we do.

- 7.4 We **may/will** also share information internally, within the Council, to allow us to compile general statistics on how our services are performing. We may also need to share your information with a third party, such as a contractor, in order for them to provide the service you have requested. However, the Council requires all third party processors to abide by the law when they process information on the Council's behalf and to follow our procedures or instructions.

8. Access to ONS births and deaths data

8.1 Introduction

NHS Digital require us to include further specific detail in our Privacy Notice about access to, and use of, ONS Births and deaths data. ONS mortality data are supplied to us via the Primary Care Mortality Database (PCMD) and the PCMD holds data about people who have died in our area, as provided at the time of registration of the death, along with additional GP details, geographical information, details about the cause of death and associated administrative details. ONS births data holds information about births in our area, which is collected at birth registration, and is supplied to us in securely emailed text files.

Our access to these data is by application to NHS Digital and is available for use by Public Health analysts in local authorities for statistical purposes to support Public Health functions. Data supply and management is covered by this agreement with NHS Digital.

The terms of this agreement stipulates that data is supplied to us under specific legislation and for specific purposes. Access is permitted under section 42 (4) of the Statistics and Registration Service Act 2007, as amended by section 287 of the Health and Social Care Act 2012, for the purpose of statistical analysis for Local Authority Public Health purposes. NHS Personal Confidential Data (PCD) is released under regulation 3 of the Health Service (Control of Patient Information) Regulations 2002 and can only be used for public health purposes.

This ONS births and deaths data are of significant value to the Local Authority as it enables our analysts to respond to local public health needs. Evaluations of births and deaths in our local area allows us to perform the following:

- Measuring the health, mortality or care needs of the population, for specific geographical area or population group;
- Planning, evaluating or monitoring health and social care policies, services or interventions; and,
- Protecting or improving the public health, including such subjects as the incidence of disease, the characteristics (e.g. age, gender, occupation) of persons with disease, the risk factors pertaining to sections of the

population, or the effectiveness of medical treatments.

8.2 Identifiers included in data relating to deaths (PCMD)

Data relate to the deceased, the family of the deceased, people involved in the care of the deceased and people involved in the administration of the death and include:

- Deceased's address
- Postcode of usual residence of the deceased
- Post code of place of death
- NHS number
- Date of birth
- Date of death
- Maiden name (PID field specified by NHS Digital / ONS but not present in current PCMD).
- Name of certifier
- Name of coroner
- Cause of death (ICD10 coded cause of death will be retained in the data set used by PCMD data processors and analysts, all having completed the relevant approvals).

8.3 Identifiers included in data relating to births

Data relate to the birth, the mother of the new born and administrative details about the birth and include:

- Address of usual residence of mother
- Place of birth
- Postcode of usual residence of mother and postcode of birth of child
- NHS number of child
- Date of birth of child

8.4 Data processing and secondary analysis

In order to gain access to, process, store and analyse births and deaths data appropriately and safely we do the following:

- Access to the births and deaths data, whether identifiable data or anonymised data, is restricted to those staff members who have signed the appropriate NHS Digital data access agreements. The data are stored on our IT network at a location that is restricted to those staff.
- Data are encrypted and are password protected.
- Access to the source identifiable data is restricted to staff who have been nominated as data processors for the births and deaths data.
- For those staff engaged in secondary analysis, we have removed the identifiable data, as this is not routinely required for the permitted uses of the data.
- Publication of the outcome of secondary analysis is limited to permitted purposes, is derived from de-identified data and is restricted to the aggregate results of that analysis in line with our Data Access Agreement and ONS rules on the uses of health based statistical data and disclosure.

- The information is only used for the purpose(s) described above and use will meet the criteria and principles established in the ONS *Disclosure Control Guidance for Birth and Death Statistics* (<http://www.ons.gov.uk/ons/guide-method/best-practice/disclosure-control-policy-for-birth-and-death-statistics/index.html>).
- We are not permitted to, or have no business need to, link the deaths and births data directly with any other data. We do, however, assimilate the data with other sources of data, information and evidence in order to carry out our Public Health responsibilities.

Further details about the deaths data (PCMD) can be found on the NHS Digital website: <http://content.digital.nhs.uk/pcmdatabase>

9. Your Rights and your personal data

9.1 Unless subject to an exemption, you have the following rights with respect to your personal data:-

- The right to request a copy of your personal data Southend-on-Sea Borough Council holds about you.
http://www.southend.gov.uk/info/200437/data_protection/427/requesting_your_information
- The right to request that Southend-on-Sea Borough Council corrects any personal data if it is found to be inaccurate or out of date.
- The right to request your personal data is erased where it is no longer necessary for Southend-on-Sea Borough Council to retain such data.
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed for further processing.
- The right to object to the processing of personal data (where applicable)
- The right to lodge a complaint with the Information Commissioners Office (ICO) by writing to:

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

You can also visit ico.org.uk or email casework@ico.org.uk or Telephone on 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.

For further information regarding this privacy notice of any data protection queries, please contact the Southend-on-Sea Borough Council Data Protection Officer (telephone 01702 215000 or email dataprotection@southend.gov.uk)

For Southend on Sea Borough Councils full privacy notice please visit www.southend.gov.uk/privacynotice

Changes to This Privacy Notice

We will post changes to this Privacy Notice and indicate the effective date when this Privacy Policy is updated. If we make any material changes to this Privacy Policy, we will notify you by posting notice of the changes on this site.

Version Control

Date	Version	Reason	Owner	Author
19 th May 2017	1	GDPR Compliance	Sally Watkins	Sally Watkins
25/05/18	2	GDPR Compliance	Public Health	Update – Paul Cook
29 th August 2018	3	DPA 2018/GDPR Compliance	Public Health	Update - Olivia Allen