

## **Privacy notice – relating to how the Council will deal with your data during the current Coronavirus crisis**

This privacy notice explains how Southend on Sea Borough Council (as a Data Controller) will collect, use and protect personal data specifically regarding the Covid-19 (Coronavirus) Pandemic.

The Council already holds data about its residents, employees and stakeholders. You may have provided this information for a specific reason, normally the Council would seek to inform you that the data provided would be being used for a different purpose. Due to the rapidly emerging situation regarding the current pandemic this will not always be possible. If we already hold information about vulnerability as defined in the current guidance from the Government and Public Health England, we may share this for emergency planning purposes or to protect your vital interests by sharing with services both inside and outside the Council.

We may in this current crisis need to ask you for personal information including sensitive personal information for example your age or if you have any underlying illnesses or are vulnerable, that you have not already supplied. This is so the Council can assist and prioritise its services.

The Council is publishing updates from official sources on its [website](#) and information that can help and support you during this time can be found [here](#)

### **Legal basis for processing your personal data**

How we are processing your personal data will determine the legal basis for processing. The legal bases for processing by the council as a public authority will be:

1. processing is necessary for compliance with a legal obligation to which the controller is subject. GDPR Article 6(1)(c)
2. where disclosure is in the vital interests of yourself or another person. GDPR Article 6(1)(d) and 9(2)(c)
3. 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. GDPR Article 6(1)(e)
4. Where it is necessary for the reasons of substantial public interest. GDPR Article 9(2)(g)
5. processing is necessary for the purposes of preventative or occupational medicine, where it is necessary for the provision of social care, the provision of health care or treatment or for the management of a health or social care system. GDPR Article 9(2)(h)

6. Where it is in the interest of public health. GDPR Article 9(2)(i)

### **Processing of confidential patient information**

In addition to the legal basis stated above a Notice has been served by the Government's Secretary of State under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) to require certain public bodies to process confidential patient information for the purposes set out in Regulation 3(1) of the COPI Regulations, to support the Secretary of State's response to Covid-19. Therefore, we may process confidential patient information under this regulation also.

Southend on Sea Borough Council 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 20th March 2020 until 30<sup>th</sup> June 2022 (unless notified of an extension by the Secretary of State for Health and Social Care)

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.

A record will be kept of any confidential patient information processed under the COPI regulation.

### **Powers of a Public Health Officer under the Coronavirus Act 2020**

The Secretary of State for Health and Social Care declared the outbreak of Covid-19 as a 'serious and imminent threat to public health'. This engaged powers for Public Health Officers under the Coronavirus Act 2020 to control the spread of coronavirus in the UK in response to the outbreak. The Coronavirus Act 2020 revokes and replaces The Health Protection (Coronavirus) Regulations 2020 that came into force on 10 February 2020 and provides a consistent, UK-wide, approach and includes certain new powers for immigration officers and constables.

The relevant powers for Public Health Officers in England are set out in section 51 and Schedule 21, Parts 1 and 2 in the Coronavirus Act 2020. The powers enable the imposition of proportionate requirements (which may include screening and isolation, for example) and other appropriate restrictions, on individuals where a Public Health Officer has reasonable grounds to suspect that an individual in England is, or may be, infected or contaminated with coronavirus and considers that there is a risk that they will infect or contaminate others, or where they have reasonable grounds to believe the individual has recently travelled from a specified infected area.

### **Sharing your personal data**

In this current pandemic we may share your information with other public authorities, emergency services, and other stakeholders as necessary and proportionate to do.

### **How long we keep your personal data**

We will only keep your personal data for as long as is necessary for the purpose for which we are processing it, unless we have a legitimate reason for keeping it, for example, any legal requirement to keep the data for a set time period.

However, where possible we will anonymise this data so that you cannot be identified.

Where we do not need to continue to process your personal data, it will be securely destroyed.

### **Changes to this privacy notice**

We keep this privacy notice under regular review and if we make any changes, we will publish the updated version on our website.

You can also view the Council's main [privacy notice](#).

Updated 18.02.22