

## **Privacy Notice - Coronavirus (Covid-19)**

Read our COVID-19 privacy notice for information on how we collect, store and process your data.

This privacy notice is to explain and provide you with information on how we collect and hold data about you. This is in relation to the unprecedented challenges we face because of the Coronavirus pandemic (COVID-19).

You can view the general [Walsall Metropolitan Borough Council Privacy Notice](#), which has more about how we collect, use and protect personal data generally, as well as your rights as a data subject.

Walsall Metropolitan Borough Council is the data controller for purposes of the Data Protection Act (2018) and The General Data Protection Regulation (EU) 2016/679 ("GDPR"), and is registered as a data controller with the Information Commissioner's Office (ICO).

Walsall Metropolitan Borough Council are committed to protecting your personal information. As a data controller, we have a responsibility to make sure you know why and how your personal information is being collected. This is in accordance with relevant data protection law.

### **Why we use or process your data**

To best respond and help coordinate the community response for COVID-19 it is necessary to collect data about you.

### **What information we need and how we use it**

In order to best respond and help coordinate the community response for COVID-19 it is necessary to collect details about you including your name, address, telephone number and email address.

We may also ask you for sensitive personal data that you have not already supplied, for example, if you have any underlying illnesses or are vulnerable. This is so we can assist you and prioritise our services. We will collect:

- Name;
- Contact information (home address, telephone number, email address);
- NHS number;
- Your District (to coordinate with the relevant District Council);
- Health and social care data, including 'confidential patient information';
- Information relevant to your needs during the outbreak or your support needs if you are a carer;

- Information about what support you can provide to others.

We may also ask you for information to help us identify and understand about those suffering with, or at risk of suffering with, COVID-19; information about incidents of exposure to COVID-19 including locating, contacting, screening, flagging and monitoring such incidents 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.

Whilst we may already hold data about you, you may have provided this information for a specific reason and normally we would seek to inform you that the data provided would be used for a different reason.

Due to the unprecedented situation regarding the pandemic, this will not always be possible. This might include using the contact information you have provided to send you important public health messages or updates, by either phone, text or email.

Additionally, at this time we may ask you for more information, where it is necessary to ensure your safety and well-being. We will, however, ensure that this is limited to what is proportionate and necessary to manage the spread of the virus and safeguard those most vulnerable and to aid business continuity. We aim to:

- Understand COVID-19 and the risks to public health, trends in COVID-19 and such risks, and controlling and preventing the spread of COVID-19 and such risks;
- Identify and understand 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 self-isolation, fitness to work, social interventions and recovery from COVID-19;
- Understand 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;
- Monitor and manage 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, equipment, supplies, services and the workforce within the health services and adult social care services;
- Deliver services to service users, vulnerable individuals, 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 and the provision of health care and adult social care services;
- Research and plan in relation to COVID-19; and
- Help and understand the response to an emergency and build lessons learnt.

We will also use your data to better understand the services we provide and to help us build those services for the future. We may also use your data to identify if our services are fulfilling our legal obligations.

The use of this information is subject to national guidance issued by the Department for Health and Social Care and the Ministry of Housing, Communities and Local Government.

### **Who we will share your data with**

Your data may be shared where we have identified a need to provide support, internally or externally, with local health organisations such as:

- the NHS
- Public Health England
- Department for Environment, Food and Rural Affairs (DEFRA)
- GP's
- other local services such as food banks or local support groups

Further information about how health and social 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 below.

### **What the lawful basis is for processing personal data**

Walsall Council receive information from Public Health England, the Ministry Of Housing, Communities and Local Government and the Department of Health and Social Care.

We have instructions on how to use this information in the current circumstances. Additionally, we receive information containing personal and special category data from the NHS and local support providers.

The Government has issued [advice on the sharing of data](#), they have also provided a link to [frequently asked questions about the law](#).

[The Information Commissioners Office](#) and the [National Data Guardian](#) have released statements on the use of Health and Social Care data at this time.

### **About Personal Data**

The General Data Protection Regulation requires specific conditions to be met to ensure that the processing of personal data is lawful.

The conditions that are relevant are:



- Article 6(1) (c) GDPR - processing is necessary for compliance with a legal obligation to which the controller is subject
- Article 6(1) (d) GDPR - processing is necessary in order to protect the vital interests of the data subject or another natural person
- Article 6(1) (e) GDPR - 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

### **About Special Category Data**

The processing of special categories of personal data, which includes data concerning a person's health, are prohibited unless specific further conditions can be met, as follows:

- Article 9 (2) (b) GDPR - 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 and social security and social protection law
- Data Protection Act 2018, Schedule 1, Part 1(1) - employment, social security and social protection
- Article 9 (2) (c) GDPR - processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent
- Article 9 (2) (g) GDPR - processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued
- Data Protection Act 2018, Schedule 1, Part 2 (6) - statutory and government purposes
- Data Protection Act 2018, Schedule 1, Part 2 (18) - safeguarding of children and of individuals at risk
- Article 9 (2) (h) GDPR - processing is necessary for the purposes of preventative or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health and social care treatment or the management of health and social care systems and services
- Data Protection Act 2018, Schedule 1, Part 1(2) - health and social care purposes
- Article 9(2) (i) GDPR - processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health
- Data Protection Act 2018, Schedule 1, Part 1(3) - processing is necessary for reasons of public interest in the area of public health

The legislation, policies and guidance that relate to this service include, but are not limited to:

- The Coronavirus Act 2020



- The Civil Contingencies Act 2004 and (contingency planning) Regulations 2005 Allows the local authorities continue to exercise its functions in the event of an emergency
- The Local Government Act 2000 - give powers to local authorities to promote economic, social and environmental well-being
- Care Act 2014 - legal framework for local authorities support an individual's 'wellbeing'
- Vulnerable Children's Act 2014
- Rough Sleeping Strategy 2018

### **How we store your information**

We will only keep your information for as long as it necessary. We will consider Government guidance and the on-going risk presented by Coronavirus and the requirements of public accountability for our response to this emergency.

As a minimum, the information outlined in this privacy notice will be kept for the duration of the COVID-19 response. However, in most cases, data will be kept for longer to meet evidential requirements under British statute and common law.

Wherever possible, we will anonymise any personal data so that individuals cannot be identified. This does not apply to data where data this is required to provide direct and or vital services to individuals.

When the information is no longer required for this purpose, it will either be deleted or anonymised for statistical purposes.

### **Further information**

The [Information Commissioner's Office has published its own FAQs](#) on data handling during the pandemic.

### **NHS Test and Trace**

The test and trace process is a national program that ensures local authorities are able to contact those who have come into contact with someone who has been identified as being infected.

The national contact service will share the contact details of potentially infected individuals with the local authority so that we may contact them directly to provide advice and guidance on any risks, or actions such as isolation that may be required in order to protect the wider community.

You can find out more about Test and Trace on the national webpages

[How it works](#)

## [NHS Test and Trace](#)

### **Data Protection**

If you have any questions about the collection or use of your personal data, you can contact our Data Protection Team.

- Email: [informationmgmt@walsall.gov.uk](mailto:informationmgmt@walsall.gov.uk)

### **How to make a complaint**

You can complain directly to the council by following the guidance on our “[Tell Us](#)” pages where we aim to resolve all complaints about how we handle personal information promptly.

However, where you are not satisfied with these outcomes you also have the right to lodge a complaint about data protection matters with the Information Commissioner's Office.

Contact them by post at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

You can also phone 0303 1231 113.

You can [make a complaint or find out more information on the Commissioner's Office website](#).