



# Blackburn with Darwen Council Public Health Service Delivery Privacy Notice : Covid-19

## Blackburn with Darwen Council

### Public Health Service Delivery Privacy Notice - Coronavirus

#### **Purpose.**

This privacy notice is to supplement all the information we currently make available about how we process your personal data. Its aim is to explain how our organisation may seek to collect and hold information about you in relation to the unprecedented challenges we are all facing during the Coronavirus pandemic (COVID-19).

We are committed to protecting your personal data and ensuring that it is processed fairly and lawfully. Information you provide to us will be processed in accordance with the General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA 2018) and subsequent legislation.

In response to the outbreak of Coronavirus, we may seek to collect, process and share the personal data of our staff, their dependents and the general public, in ways which go above and beyond normal practice. This is in order to ensure their safety and wellbeing.

Such information will be limited to what is legal, proportionate and necessary, taking into account the latest guidance issued by the Government and health professionals, in order to provide the necessary support to those most vulnerable and in need and also to manage and contain the virus.

A lot of what we will do with your personal data will be covered by existing powers under current laws. You can find out more about how we process your information at <https://www.blackburn.gov.uk/data-and-information/privacy-policy>

#### **Legal Basis.**

The legal basis for data processing we are relying on comes from Article 6 of the General Data Protection Regulations (GDPR). The following sections apply;

- Article 6(1)(c) Legal Obligation - Processing is necessary for compliance with a legal obligation to which the controller is subject;
- Article 6(1)(d) Vital interest - the processing is necessary to protect someone's life;
- Article 6(1)(e) Public task -the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

Special category data:

- It is necessary to share sensitive information for the purposes of carrying out the obligations and exercising specific rights in the field of social protection law, for the provision of health or social care treatment or the management of health or social care systems. (Article 9 2(h) GDPR).
- Public health processing- it is necessary for reasons of public interest in the area of public health (Article 9 2 (i) GDPR)

The Emergency Planning Service deliver the Local Authority's statutory responsibilities and duties as a Category 1 Emergency Responder as set out by the Civil Contingencies Act (CCA) 2004.

The local authority must plan for, respond to and recover from major incidents in the Blackburn with Darwen Area.

The statutory duties placed on the local authority as a Category 1 responder includes the anticipation and assessment of risks, production of plans for the purpose of controlling and/or mitigating the impact of emergency incidents and business disruptions as well as effectively responding to, and recovering from, an emergency.

The processing of personal information is necessary for compliance with the statutory requirements of the Civil Contingencies Act 2004(CCA).

### **Covid 19 Track and Trace**

Regulation 3 of the Health Service (Control of Patient Information) Regulations 2002 in accordance with the 'Covid-19 – Notice under Regulation 3(4) of the Health Service Control of Patient Information Regulations 2002' from the Secretary of State for Health and Social Care to Local Authorities in England dated 20 March 2020.

The processing of data received by us will be carried out in accordance with the Data Protection Act 2018, GDPR and any associated codes of practice issued by the ICO. More particularly, the legal bases for any processing are:

- Article 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
- Article 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 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 which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.

Personal data and special category personal data from Public Health England will be used and processed:

1. In line with Articles 13 and 14 of GDPR, the Local Authority must ensure that their privacy notices are clear and provide sufficient information to the data subjects for them to understand what of their Personal Data is shared, details the rights of the data subject, the circumstances in which it was shared, the purposes for the data sharing and the identity of the Controller;
2. In line with Chapter 3 of GDPR, the Local Authority must have policies and procedures in place to comply with the rights of the data subject including but not limited to the rights of access, rectification and profiling;
3. In line with Article 5(1)(f) of GDPR, the Local Authority must ensure appropriate security of the Personal Data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures; and
4. In line with Article 24 of GDPR, the Local Authority must ensure that they have implemented appropriate data protection policies across the organisation

### **Termination of data – Track and Trace**

30 September 2020 or until such time as the 'Covid-19 – Notice under Regulation 3(4) of the Health Service Control of Patient Information Regulations 2002' from the Secretary of State for Health and Social Care to Local Authorities in England dated 20 March 2020 is extended.

### **Sharing Information.**

The CCA places a duty on Category 1 and 2 responders to share information upon request. To help us provide emergency response services appropriate to your needs both during an incident and throughout the longer-term recovery period, we may share information with others including, but not limited to, Category 1 and Category 2 responders, such as:

- Other Council Services
- Emergency Services
- NHS agencies
- Health providers
- Utility companies
- Voluntary organisations

### **Retention.**

We will hold your information in line with our retention policy. Please contact [accesstoinformation@blackburn.gov.uk](mailto:accesstoinformation@blackburn.gov.uk) for further information.