Privacy Notice - NHS staff and Household members COVID-19 Testing

The Department of Health and Social Care has implemented a COVID-19 national testing programme. The scope of this programme is expanding and the latest scope can be found at:

https://www.gov.uk/government/publications/coronavirus-covid-19-testing-privacy-information/testing-for-coronavirus-privacy-information

This privacy notice is applicable if we, NHS South East London Clinical Commissioning Group, or one of our Local Authority or Acute partners have contacted you and you have agreed to a COVID-19 priority antigen test (there will be a separate notice related to antibody tests), or you have proactively provided us with your information to put yourself forward to receive the test.

The COVID-19 priority antigen test will confirm whether you currently have COVID-19. The result of the test will enable you or people in your household to know whether to self-isolate, continue to self-isolate or if it is safe to go to work.

The test is completely voluntary, and you do not have to take it. However, if you choose to take the antigen test, it is essential that you notify your employer of your test result when you receive it, whether positive or negative. If the result is positive, it is essential that you also notify your GP and follow the national guidance on self-isolation for you and the people you live with. There is a national route to antigen testing which the Department of Health and Social Care (DHSC) has commissioned on behalf of the UK and will be the Controller¹ for the purposes of data protection legislation in regards to the undertaking of the test, collection of the results, and sharing these results with people who have undertaken the test. The Department of Health and Social Care will decide what information is required from you in order to undertake the test, and how it needs to be used. For further information on the testing process and data sharing by The Department of Health and Social Care please visit their website. The only involvement that NHS SEL CCG has in this route is if the CCG collects contact details of staff members who have agreed to testing (CCG, Primary Care, Social Care and Care Home Staff) and uploads the details to the national system via an Organisational Employer Portal using an upload of basic information on staff to be tested. These details are uploaded to the national portal, after which time, all correspondence is directly between the individual staff member and the national portal via the links which are sent to staff member's mobile phone number.

You will receive a text message with a unique invitation code to book a test for yourself (if symptomatic or asymptomatic) or a household member(s) (if symptomatic) at a regional mobile of fixed testing site.

Each organisation processing² your personal data will require a different level of information about you, but all will use the minimum necessary to do what they are required to by the Controller. Under the NHS SEL CCG Enhanced Testing Route, the organisation works to support blanket testing of organisations e.g. care homes along with individual urgent requests for testing of staff working in adult community health settings. Organisations will notify a representative at SEL CCG that an antigen test is required. The SEL CCG will collate the necessary information required in order to arrange for the test to be undertaken. The collected information will be passed on to Kings College Hospital Viapath Pathology Services for kits to be delivered and collected ahead of processing the sample (s) and delivering the results. The CCG will work with Kings to support the delivery and collection of the testing kits. Kings

¹ 'controller' means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law; This is the person or organisation legally responsible and accountable for the personal information.

² 'processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

Privacy Notice - NHS staff and Household members COVID-19 Testing

College Hospital Viapath Pathology Services will notify the individual and the organisation e.g. Care Home of the test results. For staff undertaking the antigen test that are based at a care home, the care home's associated GP and the organisation's designated manager will also have access to the results. NHS SEL CCG will also receive the results (the individual's name, the organisation and the outcome of the results (positive, negative or retest required) in order to check if any individuals require retesting and to inform local Public Health Directors of any positive results or COVID-19 outbreaks. Local Public Health Directors will only receive anonymised information (the name of the organisation, the number of tests processed and the number of positive results) and will need to contact the organisation directly for more information as required.

information as required. 1) Controller contact details	NHS South East London Clinical Commissioning Group
	160 Tooley Street
	London
	SE1 2TZ
2) Data Protection Officer	Ian Allsup
contact details	NEL CSU
	1 Lower Marsh
	London
	SEL 7NT
	nelcsu.dpo@nhs.net
3) What personal data we	The details we may need from you* are:
collect:	First and last name
	Date of birth
	Ethnicity
	Gender
	• Sex
	Contact number
	Email address
	Address (including postcode)
	 NHS Number (for English residents and only if you know it –
	Wales/Scotland/NI residents may need to provide a different
	local identifier, which will be specified upon registering for a test)
	 Other household members' first and last names
	 Confirmation as to whether the individual has a fever, cough,
	sore throat, shortness of breath or difficulty breathing (and date
	of onset where applicable), underlying health condition
	GP's contact details.
	*The data collected will depend on the route used for testing. However,
	it will only be from the categories listed above.
4) Purpose of the sharing	To enable access to the COVID-19 national testing programme.
5) The Lawful conditions for	In order that we can carry out processing of your personal data, we need
processing	a lawful basis to do so. The lawful basis for processing, storing and
	sharing this data are:-
	The General Data Protection Regulation, Article 6(1)(e) the 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.
	We have been given an instruction by The Department of Health and

Social Care to identify essential workers within their locality, and where

Privacy Notice – NHS staff and Household members COVID-19 Testing

	appropriate make contact with them directly, or provide a means by which they can provide their details to us. This is to ensure the maximum number of essential workers are able to carry out their role, and to minimise the risk of the onward transfer of coronavirus. This establishes the activity as a public task. In addition, an Article 9 Condition for processing should be adhered to:- The General Data Protection Regulation, Article 9(2)(h) the processing is necessary for medical diagnosis, the provision of health treatment and management of a health and social care system. We will be referring you to the Department of Health and Social Care so that a medical test can be undertaken. It is necessary to share the information so that a test can be conducted.
6) Recipient or categories of recipients of the shared data	The data will be shared with The Department of Health and Social Care and their appointed Processors, or Kings Viapath depending on the route used for testing. You can read the full details on the following: https://www.gov.uk/government/publications/coronavirus-covid-19-testing-privacy-information/testing-for-coronavirus-privacy-information
7) Right to object	You have the right under Article 21 of the GDPR to object to your personal information being processed. Please contact us if you wish to object to the processing of your data. You should be aware that this is a right to raise an objection which is not the same as having an absolute right to have your wishes granted in every circumstance. You will need to provide information on your specific circumstances which relate to the reasons you are objecting.
8) Right to access and correct	You have the right to access any identifiable data about you that is being shared and have any inaccuracies corrected.
9) Retention period	Your information will be stored in line with the Records Management Code of Practice for Health and Social Care 2016. This means we will keep your information for up to 8 years before we dispose of it. In some circumstances, for example where we are legally required to, we may keep your information for a longer period of time. Information that identifies you will be stored securely and processed in the UK. We will ensure that there are appropriate security safeguards including strong cyber security. Information that does not, and cannot, identify you may be stored and processed outside of the UK. For example, information purely about the
	number of tests conducted, or the number of outcomes from tests.
10) Right to Complain.	You have the right to complain to the Information Commissioner's Office, using this link https://ico.org.uk/global/contact-us/ or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

Privacy Notice – NHS staff and Household members COVID-19 Testing

	There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website).
11) Processors'	To assist us in collecting this information we have appointed the following processors: • Department of Health and Social Care; • Kings College Hospital (Viapath); • Deloitte.
12) Data Sharing	In order to enable an employer referral, we will share the information you provide us with the Department of Health and Social Care and/or Kings College Hospital Viapath Pathology depending on the route used for testing.