

Supplementary Staff Privacy Notice for COVID-19

The purpose of this Privacy Notice

This notice provides you with information about how Camden and Islington NHS Foundation Trust (**the Trust**) may seek to collect and hold personal data relating to current and former employees, workers, self-employed contractors and consultants in relation to the Coronavirus pandemic (COVID-19). This Notice applies only to information which the Trust processes about you in response to the pandemic and should be read alongside the existing Staff Privacy Notice which provides more detail about how we use personal data.

In this Privacy Notice:

- **personal data** means any information which can identify you directly or indirectly (whether itself or when combined with other data), regardless of the format or media on which the information is stored. This includes information that can identify you when combined with other information that is held separately (pseudonymous data).
- **special category data** means any information which is more sensitive in nature and includes information about your health, your race, political opinions, religious beliefs, sex life or sexual orientation. Vaccination status is 'health' information and would be regarded by many as confidential. It is also 'special category' data for the purposes of data protection legislation (the UK GDPR), which means we will ensure your information is used fairly, lawfully, supported by lawful reasons, and in compliance with other specific obligations under data protection law.
- **processing** means any activity relating to your personal data including collection, use, alteration, storage, disclosure and destruction.

Why we collect information

In responding to the pandemic, the Trust is required to process the personal data and special category data for a number of reasons. Given the impact of the pandemic, we are now required to process information about staff to assess whether it is safe for them to work. Government regulations will be introduced which require us to seek evidence from staff to prove they have received the vaccine or are exempt. In order to comply with this legal obligation we are requesting staff provide us with evidence that they have had both vaccines doses, and potentially booster shots. We may also need to use your personal data to allow us to report and monitor staff absence and managing staffing issues more generally.

In complying with our obligations we may require:

- Proof you have had both vaccines
- Proof you have had a vaccine booster, if required
- Details of any medical exemption
- Outcomes of COVID-19 testing
- Information about your health in general.

The information we collect relating to your health will be special category data and the Trust will do all it can to ensure it is only used appropriately and is kept confidential.

To read more about how the Trust uses your information, including vaccination status, please see [How we handle your information | Camden and Islington NHS Foundation Trust \(candi.nhs.uk\)](https://candi.nhs.uk/how-we-handle-your-information)

What will we use your Personal Data for?

We will be required by law to ensure that all staff are vaccinated or are exempt. We will therefore use the information we collect for the purposes of responding to and evidencing compliance with our legal and regulatory obligations. We may also need to use your information to:

- enable us to redeploy staff to lower risk work areas where possible
- report staff absence (self-isolation, sickness, shielding etc) due to COVID-19 to national bodies eg, NHS England
- report staff who have tested positive for COVID-19 to the Health & Safety Executive where required
- demonstrate compliance with the law and share information with regulators such as the CQC.

The information we collect will be limited to what is proportionate and necessary, taking into account the latest guidance issued by the Government and health professionals, in order to manage and contain the virus. It will be kept securely at all times and only seen by those who need to have access.

Lawful grounds for processing your information

With regards to the national systems established by NHS England to manage the Covid-19 Vaccination Programme further information is available [here](#). You will see that the legal bases identified by C&I for processing personal data are as follows:

For GDPR purposes:

Article 6(1)(e) – ‘...exercise of official authority...’.

For the processing of special categories (health) data the conditions are:

Article 9(2)(h) – ‘...health or social care...’

Article 9(2)(i) – ‘...public health purposes...’,

Article 9(2)(j) – ‘.....archiving...research...or statistical purposes...’

For processing special categories (ethnicity) data the conditions are

Article 9(2)(b) – ‘...social protection law...’ (for monitoring equality of access)

Article 9(2)(h) – ‘...health or social care...’

Article 9(2)(j) – ‘.....archiving...research...or statistical purposes...’

NHS England’s basis to process confidential patient information, setting aside the duty of confidence, is regulation 3(3) of the Health Service (Control of Patient Information) Regulations 2002 (COPI), which were made under section 251 of the NHS Act 2006.

C&I therefore does not require individual consent to process information about Covid-19 vaccination status, and the ongoing need to protect the public from Covid-19 provide compelling legitimate grounds for overriding the objections to processing by individuals.

Who in the Trust will know my COVID-19 vaccination status?

Your vaccination status data will be held in protected systems/network folders and only shared on a need-to-know basis.

The people who may need to know may include, but are not limited to: -

- Staff directly involved in the management of our COVID-19 Staff Vaccination Programme
- Infection Prevention and Control, including managers required to follow up with their staff when there has been a risk of exposure to COVID-19 in their area.
- Your line manager, where they have been specifically asked to speak to you about your vaccination status
- Senior Managers where they have been specifically asked to help support and coordinate conversations between staff and their line managers under their direct responsibility.
- Occupational Health/HR for the purpose of implementing the new regulations.

If you have any concerns regarding who in the Trust has accessed your vaccination status, please contact the Trusts Data Privacy Officer Mahwish.Noor@candi.nhs.uk