

Coronavirus (COVID-19) pandemic and your information- Updated October 2020

The ICO recognises the unprecedented challenges the NHS and other health professionals are facing during the COVID-19 pandemic.

The ICO also recognise that 'Public bodies may require additional collection and sharing of personal data to protect against serious threats to public health.'

The Government have also taken action in respect of this and on 20th March 2020 the Secretary of State for Health and Social Care issued a notice under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 requiring organisations such as GP Practices to use your information to help GP Practices and other healthcare organisations to respond to and deal with the COVID-19 pandemic.

Please note that this notice has now been revised and extended by a further notice from 29th July 2020 until September 30th 2021.

In order to look after your healthcare needs during this difficult time, we may urgently need to share your personal information, including medical records, with clinical and non clinical staff who belong to organisations that are permitted to use your information and need to use it to help deal with the COVID-19 pandemic. This could (amongst other measures) consist of either treating you or a member of your family and enable us and other healthcare organisations to monitor the disease, assess risk and manage the spread of the disease. Additionally, the use of your information is now required to support NHS Test and Trace.

Please be assured that we will only share information and health data that is necessary to meet yours and public healthcare needs.

The Secretary of State for Health and Social Care has also stated that these measures are temporary and will expire on September 30th 2021 unless a further extension is required. Any further extension will be provided in writing and we will communicate the same to you.

Please also note that the data protection and electronic communication laws do not stop us from sending public health messages to you, either by phone, text or email as these messages are not direct marketing.

It may also be necessary, where the latest technology allows us to do so, to use your information and health data to facilitate digital consultations and diagnoses and we will always do this with your security in mind.

If you are concerned about how your information is being used, please contact our DPO using the contact details provided in this Privacy Notice.

Pursuant to the COPI notice EMIS has agreed to work with NHS England (who has engaged the University of Oxford and the London School of Hygiene and Tropical Medicine to undertake the relevant research) to provide a unique environment for Covid-19 research.

Notice under Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI), which were made under sections 60 (now section 251 of the NHS Act 2006) and 64 of the Health and Social Care Act 2001.

As you will be aware, the health and social care system is taking extensive action to manage and mitigate the spread and impact of the current outbreak of Covid-19.

All GP practices whose systems are supplied by EMIS are required under Regulation 3(4) of COPI to release primary care patient data, for the purposes set out in Regulation 3(1) of COPI for purposes related to the outbreak of Covid-19. Under these arrangements, NHS England has directed EMIS to create a linked dataset using personal data from all GP practice records processed by EMIS with data about patients who have been diagnosed and hospitalised with Covid-19 infection.

This linked dataset will be pseudonymised and made available within a secure data processing environment to a small group of researchers, under contract to NHS England, from Oxford University and the London School of Hygiene and Tropical Medicine to support data analysis that might identify medical conditions and medications that affect the risk or impact of Covid-19 infection.

The researchers will not be able to access identifiable patient information and any data they extract from the linked dataset will be fully anonymised / aggregated.

NHS England and EMIS have entered a data processing agreement to ensure that appropriate controls are in place to protect personal data. If you need any additional information or questions you are advised to contact: england.igpolicyteam@nhs.net.

Annex

Regulation 3(1) of COPI Purposes related to the outbreak of Covid-19 include, but are 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 and information 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; and
- research and planning in relation to Covid-19.