

Privacy Notice – Essential Workers and Household members COVID-19 Testing

The Department of Health and Social Care has implemented a COVID-19 national testing programme for those defined as 'essential workers' (a definition of essential workers can be found at the end of this notice) and for people living within the same household as those workers. This privacy notice is applicable if we, NHS South West London Clinical Commissioning Group, have contacted you and you have agreed to a COVID-19 priority antigen test, 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 continue to self-isolate or if it is safe to return to work.

The test is completely voluntary, and you do not have to take it.

The Department of Health and Social Care has commissioned the virus testing programme 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. They may also ask for your consent to share the results with us or your employer. For further information on the testing process and data sharing by The Department of Health and Social Care please visit their website at:

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

At different points throughout the process, other organisations may also have Controller status, depending on what they are doing with your information. Our responsibility, for which we are Controller, is only in respect to the initial data collection and identification of eligible people for referral. We will pass your details to the test centre (who are a processor² of The Department of Health and Social Care), this is called an employer referral. The employer referral portal is an online system which allows employers to refer essential workers who are self-isolating, either because they or a member(s) of their household have coronavirus symptoms which require referral to the COVID-19 national testing programme. It is a secure portal for employers to use to upload the full list of names and contact details of self-isolating essential workers.

It is still called an employer referral even if you do not work directly for us, but are being prioritised through our local referral programme.

You will only be referred with your permission.

If referred through the employer referral portal, you will receive a text message with a unique invitation code to book a test for yourself (if symptomatic) or a household member(s) (if symptomatic) at a regional testing site.

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 'processor' means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller; They will only act on instruction from the controller and must not use the information for their own purposes.

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Each organisation processing³ 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.

1) Controller contact details	NHS South West London Clinical Commissioning Group 120 The Broadway Wimbledon London SW19 1RH
2) Data Protection Officer contact details	Ian Allsup NEL CSU 1 Lower Marsh London SEL 7NT nelcsu.dpo@nhs.net
3) What personal data we collect	<p>The details we may need from you are:</p> <ul style="list-style-type: none"> • first and last name • date of birth • sex • mobile phone number • email address • address (including postcode) • vehicle registration number (if you are taking a test at a regional test site) • 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) • National Insurance (NI) Number • other household members’ first and last names
4) Purpose of the sharing	<p>To enable an employer referral to the COVID-19 national testing programme.</p>
5) The Lawful conditions for processing	<p>In order that we can carry out processing of your personal data, we need a lawful basis to do so. The lawful basis for processing, storing and sharing this data are: -</p> <p>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.</p> <p>We have been given an instruction by The Department of Health and Social Care to identify essential workers within their locality, and where 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</p>

³ ‘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;

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	<p>minimise the risk of the onward transfer of coronavirus. This establishes the activity as a public task.</p> <p>In addition, an Article 9 Condition for processing should be adhered to:-</p> <p>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.</p> <p>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.</p>
<p>6) Recipient or categories of recipients of the shared data</p>	<p>The data will be shared with The Department of Health and Social Care and their appointed Processors. 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</p>
<p>7) Right to object</p>	<p>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.</p>
<p>8) Right to access and correct</p>	<p>You have the right to access any identifiable data that is being shared and have any inaccuracies corrected.</p>
<p>9) Retention period</p>	<p>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.</p> <p>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.</p> <p>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.</p>
<p>10) Right to Complain.</p>	<p>You have the right to complain to the Information Commissioner’s Office, using this link https://ico.org.uk/global/contact-us/</p> <p>or calling their helpline Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)</p> <p>There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website).</p>

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11) Processors'	To assist us in collecting this information we have appointed the following processors:
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.

List of essential workers and those prioritised for testing (England only)

- all NHS and social care staff, including:
 - doctors, nurses, midwives, paramedics, social workers, care workers, and other frontline health and social care staff including volunteers
 - the support and specialist staff required to maintain the UK's health and social care sector
 - those working as part of the health and social care supply chain, including producers and distributors of medicines, and medical and personal protective equipment
 - NHS Blood and Transplant frontline staff (blood donation staff, specialist nurses for organ donation, staff running therapeutic apheresis services in NHS hospitals)
 - those providing ancillary support to NHS workers (such as hotel accommodation for NHS staff)
- essential public services staff, including:
 - prisons, probation, courts and tribunals staff, judiciary
 - religious staff
 - charities and workers delivering critical frontline services
 - those responsible for the management of the deceased
 - journalists and broadcasters covering coronavirus or providing public service broadcasting
 - public health and environmental staff, such as specialist community public health nursing
- public safety and national security staff, including:
 - police and support staff
 - Ministry of Defence civilians, contractors and armed forces personnel (those critical to the delivery of critical defence and national security outputs and critical to the response to the coronavirus pandemic), including defence medical staff
 - fire and rescue service employees (including support staff),
 - National Crime Agency staff, those maintaining border security, prison and probation staff and other national security roles, including those overseas
 - British Transport Police and the Maritime and Coastguard Agency
- transport workers, including:
 - those who keep the air, water, road and rail passenger and freight transport modes operating during the coronavirus response
 - those working on transport systems through which supply chains pass
- education and childcare workers, including:
 - support and teaching staff
 - social workers
 - specialist education professionals
- critical personnel in the production and distribution of food, drink and essential goods, including:
 - those involved in food production, processing, distribution, sale and delivery
 - those critical to the provision of other essential goods, such as medical supply chain and distribution workers, including community pharmacy and testing (such as PHE labs), and veterinary medicine
 - workers critical to the continuity of essential movement of goods
- local and national government staff critical to the effective delivery of the coronavirus response, or delivering essential public services, such as the payment of benefits

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- public and environmental health staff, including in government agencies and arm's length bodies
- funeral industry workers
- frontline local authority staff and volunteers, including
 - those working with vulnerable children and adults, victims of domestic abuse, and the homeless and rough sleepers (and hotel staff supporting these groups)
 - voluntary sector organisations providing substance misuse treatment
- utilities, communication and financial services staff, including:
 - staff needed for essential financial services provision (including but not limited to workers in banks, building societies and financial market infrastructure)
 - the oil, gas, electricity and water sectors (including sewerage)
 - information technology and data infrastructure sector and primary industry supplies to continue during the coronavirus response
 - essential staff working in the civil nuclear, chemicals, telecommunications (including but not limited to network operations, field engineering, call centre staff, IT and data infrastructure, 999 and 111 essential services), postal services and delivery, payments providers and waste disposal sectors