

**30<sup>th</sup> June 2022**

## **COVID-19 and your information**

### **Updated privacy notice on Covid-19 for Patients, Service Users and Staff**

This notice describes how we may continue to use your information to protect you and others in the continued response to Covid-19. It supplements our main Privacy Notice, which is available on our Trust website, and replaces previous versions of the COVID-19 privacy notices.

The health and social care system continues to face significant pressures due to Covid-19. Health and care information is essential to deliver care to individuals, to support health and social care services and to protect public health. In particular health and care information is vital in helping to monitor, track and manage the outbreak.

As an NHS organisation, Birmingham and Solihull Mental Health NHS Foundation Trust will continue, where appropriate, to process (use) the minimal amount of personal information and confidential patient information in relation to COVID-19 for the following reasons:

- Diagnosing COVID-19;
- Recognising trends in COVID-19 and risks;
- Controlling and preventing the spread of COVID-19 and risks;
- Monitoring and managing:
  - outbreaks of COVID-19;
  - incidents of exposure to COVID-19;
  - the delivery, efficacy and safety of COVID-19 immunisation programmes;
  - adverse reactions to COVID-19 vaccines and medicines;
  - the giving of information to persons about the diagnosis of COVID-19 and risks of acquiring such disease

The processing (use) of your information for the reasons outlined above is under regulations 3(1) and 7 of the Control of Patient Information (COPI) regulations.

Further information about COPI can be found via accessing the link below:

[The Health Service \(Control of Patient Information\) Regulations 2002 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2002/1203/contents/make)

During this period of continued response to the COVID-19 pandemic, opt-outs will not generally apply to the data used to support the COVID-19 outbreak, due to the public interest in sharing information. This includes [National Data Opt-outs](#). However, in relation to the Summary Care Record, existing choices will be respected. Where data is used and shared under these laws your right to have personal data erased will also not apply. It may also take us longer to respond to Subject Access requests, Freedom of Information requests and new opt-out requests whilst we focus our efforts on responding to the outbreak.

In order to look after your health and care needs we may share your confidential patient information including health and care records with clinical and non clinical staff in other health and care providers, for example neighbouring GP practices, hospitals and NHS 111.

We may also use the details we have to send public health messages to you, either by phone, text or email.

During this period we may offer you a consultation via telephone or video- conferencing. By accepting the invitation and entering the consultation you are consenting to this. Your personal/confidential patient information will be safeguarded in the same way it would with any other consultation.

We will also be required to share personal/confidential patient information with health and care organisations and other bodies engaged in disease surveillance for the purposes of protecting public health, providing healthcare services to the public and monitoring and managing the outbreak. Further information about how health and care data is being used and shared by other NHS and social care organisations in a variety of ways to support the Covid-19 response is [here](#).

NHS England and Improvement and NHSX have developed a single, secure store to gather data from across the health and care system to inform the Covid-19 response. This includes data already collected by NHS England, NHS Improvement, Public Health England and NHS Digital. New data will include 999 call data, data about hospital occupancy and A&E capacity data as well as [data provided by patients themselves](#). All the data held in the platform is subject to strict controls that meet the requirements of data protection legislation.

In such circumstances where you tell us you're experiencing COVID-19 symptoms we may need to collect specific health data about you. Where we need to do so, we will not collect more information than we require and we will ensure that any information collected is treated with the appropriate safeguards.

## **Sharing Staff Data with NHS England / Public Health England – Flu Vaccine and Lateral Flow Testing**

### **Flu Vaccine**

All NHS Trusts are legally required to share data about which staff have been vaccinated with the flu vaccine with NHS England to help in the national effort to control the COVID-19 pandemic.

The link below provides detailed guidance, including the legal justification, and there is also a specific section for staff titled 'Guidance for Healthcare Workers'. Also included is a section covering the data that will be shared to support the vaccination programme.

<https://www.nhsx.nhs.uk/information-governance/guidance/flu-vaccines-and-covid-19-response/>

### **Lateral Flow Testing Results**

In order to support monitoring of the prevalence of COVID-19, results from lateral flow testing will also be shared with Public Health England.

If you have any questions please send them to the Information Governance Team who will try and answer them directly or pass them on to NHS England's Information Governance Team for a response:

We may amend this privacy notice at any time so please review it frequently. The date at the top of this page will be amended each time this notice is updated.

