

Covid-19 Staff Privacy notice

This privacy notice provides you with information about how East Suffolk and North Essex NHS Foundation Trust (ESNEFT) may seek to collect and hold information about you in relation to the unprecedented challenges we are all facing during the Coronavirus pandemic (COVID-19).

ESNEFT may seek to collect and process your personal data in response to the recent outbreak of Coronavirus, which is above and beyond what would ordinarily be collected from its staff and their dependents, to ensure their safety and well-being.

Such information 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 enable the Trust to effectively fulfil our functions to keep people safe, put contingency plans into place to safeguard those vulnerable and aid business continuity. Your data will not be transferred outside of the UK for any of these purposes.

Where the information is to be used to make organisational decisions, steps will be taken to anonymise the data and general statistics/numbers used, wherever possible.

Please note this privacy notice is for ESNEFT staff members only. There is a separate privacy notice for patients at the link below: <https://www.esneft.nhs.uk/about-us/privacy/privacy-notices/>

What personal data is being collected?

Personal data is being collected to enable the Trust to identify:

- any staff (or those closely linked to staff/dependents) who are in any of the high-risk categories and would be considered vulnerable, if infected with coronavirus.
- the outcome of any staff testing for coronavirus
- Staff that have been given 1st and 2nd doses of the Covid-19 vaccination that has been administered by the Trust

What are we using your information for?

- To enable us to redeploy staff to lower risk work areas if required.
- To report staff absence (self isolation, sickness, shielding etc) due to Covid-19 to national bodies eg NHS England.
- To report staff who have tested positive for Covid-19 to the Health & Safety Executive under the RIDDOR requirements. We must make a report under RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) when:
 - an unintended incident at work has led to someone's possible or actual exposure to coronavirus.

- a worker has been diagnosed as having Covid-19 and there is reasonable evidence that it was caused by exposure at work.
- a worker dies as a result of occupational exposure to coronavirus.
- For recruitment and employment purposes for new and existing staff to confirm their vaccination status

What is our lawful basis for processing your personal data?

The legal basis for processing the data is that it is in the public interest for us to deal with the outbreak of Covid-19.

The General Data Protection Regulation requires specific conditions to be met to ensure that the processing of personal data is lawful. These relevant conditions are below:

- Article 6(1)(d) – is necessary in order to protect the vital interests of the data subject or another natural person.
- Article 6(1)(e) – 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.
- The processing of special categories of personal data, which includes data concerning a person's health, are prohibited unless specific further conditions can be met. These further relevant conditions are below:
 - Article 9(2)(i) – is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health.
 - Schedule 1, Part 1(1) – is necessary for the performance or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, e.g. Health and Safety at Work Act 1974.
 - Schedule 1, Part 1(3) – is necessary for reasons of public interest in the area of public health, and is carried out by or under the responsibility of a health professional, or by another person who in the circumstances owes a duty of confidentiality under an enactment or rule of law, e.g. Governmental guidance published by Public Health England

Health Service (Control of Patient Information) Regulations 2002 (COPI)

The Health Service (Control of Patient Information) Regulations 2002 allow the processing of Confidential Patient Information (CPI) for specific purposes. Regulation 3 provides for the processing of CPI in relation to communicable diseases and other threats to public health and in particular allows the Secretary of State to require organisations to process CPI for purposes related to communicable diseases.

However as we move out of the pandemic period, increasingly fewer research projects will meet the requirements of Regulation 3(1) and, as such, Regulation 5 is more likely to be the appropriate legal basis for ongoing and future COVID-19 research.

How long will my personal data be retained by the Trust?

The Trust will only keep your information for as long as it is necessary, taking into account Government advice and the on-going risk presented by Covid-19. At a minimum the

information outlined in this privacy notice will be kept for the duration of the Covid-19 response.

Information provided by staff in relation to Covid-19 will not be used for any other purpose, including to be held within personnel files 'just in case' it may be needed again.

When the information is no longer needed for this purpose, it will be securely deleted.

Your rights

If you require further information about how we process your personal data or if you are not happy about the way your personal data is being used you can contact the Trust's Data Protection team by email at FOI@esneft.nhs.uk