



Privacy Notice for Pandemics

The health and social care system will take action to manage and mitigate the spread and impact of any pandemic outbreak. Action to be taken will require the processing and sharing of confidential patient information amongst health organisations and other bodies engaged in disease surveillance for the purposes of research, protecting public health, providing healthcare services to the public and monitoring and managing the pandemic outbreak and incidents of exposure.

Any notices of pandemic will be posted at <https://www.gov.uk/government/publications/>

Supplementary privacy notices may be issued on our website for specific pandemics as they occur.

1) Data Controller contact details	Frome Medical Practice, Frome Medical Centre, Enos Way, Frome, Somerset, BA11 2FH Telephone: 01373 301301
2) Data Protection Officer contact details	Kevin Caldwell GP Data Protection Officer Somerset CCG Wynford House Lufton Way Yeovil Somerset BA22 8HR Telephone: 01935 384000 Email: somccg.GPDPO@nhs.net
3) Purpose of the processing	The purpose of this Notice is to require organisations to process confidential patient information for the purposes set out in Regulation 3(1) of COPI to support the Secretary of State's response to the pandemic. "Processing" for these purposes is defined in Regulation 3(2) and includes dissemination of confidential patient information to persons and organisations permitted to process confidential patient information under Regulation 3(3) of COPI.
4) Lawful basis for processing	The following Article 6 and 9 conditions apply: <i>Article 6(1)(e) '...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...'</i> and: <i>Article 9(2)(h) 'necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services.'</i> We will consider your rights established under UK case law collectively known as the "Common Law Duty of Confidentiality"*

	Regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) requires organisations to process confidential patient information in the manner set out in Regulation 3(1) of COPI.
5) Recipient or categories of recipients of the shared data	Health organisations and other bodies engaged in disease surveillance for the purposes of research, protecting public health, providing healthcare services to the public and monitoring and managing the pandemic outbreak and incidents of exposure. The data subject (you)
6) Rights to object	You have the right to object to some or all the information being processed under Article 21. If you wish to do so please contact the practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance.
7) Right to access and correct	You have the right to access any identifiable data that is being shared and have any inaccuracies corrected.
8) Retention period	This will be in line with the guidance from www.GOV.UK
9) Right to Complain.	You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/ or calling their helpline 0303 123 1113 (local rate) or 01625 545 745 (national rate)

* "Common Law Duty of Confidentiality", common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.