

Privacy Notice for Public Health

Updated 28/07/2020

Public health encompasses everything from national smoking and alcohol policies, the management of epidemics such as flu, the control of large scale infections such as TB and Hepatitis B to local outbreaks of food poisoning or Measles. Certain illnesses are also notifiable; the doctors treating the patient are required by law to inform the Public Health Authorities, for instance Scarlet Fever, Mumps etc. This will necessarily mean the subjects personal and health information being shared with the Public Health organisations.

Some of the relevant legislation includes: the Health Protection (Notification) Regulations 2010 (SI 2010/659) the Health Protection (Local Authority Powers) Regulations 2010 (SI 2010/657), the Health Protection (Part 2A Orders) Regulations 2010 (SI 2010/658) Public Health (Control of Disease) Act 1984, Public Health (Infectious Diseases) Regulations 1988 and The Health Service (Control of Patient Information) Regulations 2002.

1) Data Controller contact details	Ouse Valley Practice, Dumbledore Primary Care Centre, London Road, Handcross, West Sussex RH17 6HB
2) Data Protection Officer contact details	Trudy Slade (NHS South Central and West Commissioning Support Unit) - trudy.slade@nhs.net
3) Processing Purpose	There are occasions when medical data needs to be shared with Public Health England, the Local Authority Director of Public Health, or the Health Protection Agency, either under a legal obligation or for reasons of public interest or their equivalents in the devolved nations.
4) Lawful basis	<p>The legal basis will be</p> <p>Article 6(1) (c) “processing is necessary for compliance with a legal obligation to which the controller is subject.”</p> <p>And</p> <p>Article 9(2)(i) “processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices,…”</p> <p>We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*</p>
5) Recipient or categories of recipients of the shared data	The data will be shared with Public Health England https://www.gov.uk/government/organisations/public-health-england and equivalents in the devolved nations.
6) Rights to object	You have the right to object to some or all of the information being shared with the recipients. Contact the Data Controller.
7) Right to access and correct	You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.
8) Retention period	The data will be retained for active use during the period of the public interest and according to legal requirements and Public Health England’s criteria on storing identifiable data https://www.gov.uk/government/organisations/public-health-england/about/personal-information-charter .

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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 Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) There are National Offices for Scotland, Northern Ireland and Wales, (see ICO website)/
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* "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
- where there is a legal duty to do so, for example a court order