

# Data Sharing during a Pandemic

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# Data Sharing: Background

- Share in compliance with GDPR/DPA 2018
- Broad definition of sharing
- Should be done in compliance with a data sharing arrangement
- 2020 Draft Code of Practice
  - Consultation closed 9 September 2019

# GDPR: Reminder

- Fair, transparent, and lawful processing
- Legal basis:
  - Personal data
  - Special category data

# Data Sharing Risks

- Failing to notify
- Sharing for a different purpose
- Failing to maintain data security
- Failing to apply with governance requirements
- COVID-19:
  - Nature of the data
  - Pressurised decision-making
  - Time pressures

# Relevant Lawful Basis

Context	Reference
<b>Employee and Worker Data</b>	
Health and safety obligations	GDPR: 6(1)(c); 9(2)(b); 9(2)(h); 9(2)(i) DPA 2018: s.10(2); Paragraph 1, Schedule 1*
Employee vital interests	GDPR: 6(1)(d); 9(2)(c)
<b>Patient Data</b>	
Health and Social Care	GDPR: 9(2)(h); 9(3)
Public Interest in the area of public health	GDPR: 9(2)(i) DPA 2018: s.10(2), Paragraph 3, Schedule 1
Processing for the purposes of research	GDPR: 9(2)(j) DPA 2018: s.10(2), Paragraph 4, Schedule 1

# Data Sharing Notifications

- Regulation 3 of the Health Service Control of Patient Information Regulations 2002
  - 3(1) – statutory authority to process confidential patient information to address communicable disease
  - 3(3) – processing by health service/communicable disease surveillance
  - 3(4) – notification requirement

# Data Sharing Notification

- **Who:**
  - Organisations providing health services, General Practices, Local Authorities, Arm's Length Bodies of the Department of Health and Social Care
  - NHS England & Improvement
  - NHS Digital

# Data Sharing Notification

- **What:**

- Solely for “COVID-19 Purposes”:

- Understanding COVID-19 and public health risks and trends
    - Controlling and preventing the spread of COVID-19
    - Identifying and understanding patient information
    - Managing the response
    - Informing the public
    - Delivering services
    - Research and planning



# Data Sharing Notification

- **When**
  - Until 30 September 2020
  - To be Reviewed
- **How**
  - A record to be kept of all data processed

# Next Steps

- Data protection impact assessment
- Policy review
- Centralised decision making
- Training
- Record keeping

# Employment

- Data Sharing analysis:
  - Lawful basis
  - Policy
  - Other GDPR obligations: data minimisation, security and transparency