

Privacy Notice for B&NES Public Health's use of personal data

Bath and North East Somerset Council (B&NES) is registered as a 'Data Controller' under the Data Protection Act 2018 (ICO registration Z5664161) as we collect and process personal information about you.

What is a Privacy Notice?

Is a set of policies setting out what we will be doing with your personal data. Processing personal data must above all else be fair, as well as satisfying the relevant conditions for processing. ["Processing" broadly means collecting, using, disclosing, retaining or disposing of personal data. "Personal Data" is information that relates to a living individual (data relating to a deceased person still needs to be kept confidential though) who can be identified either: (i) from the information; or (ii) from the information combined with any other information which is already in the possession of, or likely to come into the possession of, the person or organisation holding information.]

Who are we?

The Public Health team in B&NES Council works with a wide range of health and social care professionals (including doctors and nurses in GP surgeries and hospitals), schools and colleges, the police, fire service and other council colleagues across B&NES to promote the health of local people.

What personal data do the Public Health team process?

Under the provisions of the Health and Social Care Act of 2012; Bath & North East Somerset Council receives health data from a range of sources, including NHS Digital. The following personal data sets are processed by authorised staff in B&NES Council Public Health Team:

- i. Births registration data (includes individual data of births to residents of B&NES with NHS number and date of birth of baby and usual address and postcode of mother, but does not include the names of mothers and babies);
- ii. National Child Measurement Programme (NCMP) data (includes name, date of birth, address and postcode of residence, NHS number, weight and height of participating pupils in B&NES's state funded schools who are in Reception and Year 6); and
- iii. Deaths registration data (includes individual data of deaths among residents of B&NES, as well as deaths among registered patients in NHS Bath and North East Somerset Clinical Commissioning Group; with NHS number, address and postcode of residence, date of birth and date of death of deceased, but not names of deceased persons).

NCMP data is collected by B&NES's external commissioned provider, Virgin Care, and the data is transferred directly to NHS Digital before it is processed and released to B&NES Council. B&NES is the Joint Data Controller for NCMP data.

With the support of the Office of National Statistics (ONS) support, NHS is now the Data Controller for the births and deaths registration data, which means it will be treated similarly to other health data.

What is the legal basis for access to personal data?

The lawful basis for the processing of NCMP data under the GDPR is 'compliance with a legal obligation' and the 'provision of health or social care'. The statutory authority for processing NCMP

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data is provided by The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013 and The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

The legal basis for the dissemination of births and deaths registration data by NHS Digital is given by Dissemination : Health and Social Care Act 2012 - s261(5)(d). Other (General Data Protection Regulation Article 9 (2) (h)), General Data Protection Regulation Article 6 (1) (e) is the new legal basis for processing births and deaths registration data.

Who has access to your personal data?

Authorised staff in Bath and North East Somerset's Public Health and Business Intelligence teams have access to NCMP data, as well as births and deaths registration data.

Why do we need to process this personal data?

We analyse personal data for purposes such as needs assessments, health equity audits, commissioning and delivery of services to promote health and prevent ill-health, public health surveillance, identifying inequalities in the way people access services and their outcomes, Joint Strategic Needs Assessment (JSNA), providing public health advice to commissioners in the NHS and local government, and health protection and other partnership activities.

Further information on the National Child Measurement Programme (NCMP) is available from the following link: <https://digital.nhs.uk/services/national-child-measurement-programme>

What do we do with this personal data?

In analysing NCMP data and data related to births and deaths registrations, authorised staff in B&NES usually group the individual level data by variables of interest, such as age, gender, place of residence and cause of death. In carrying out these analyses, rules and guidance on data disclosure laid down by the Office of National Statistics, NHS Digital, Information Commissioner's Office and Public Health England are followed. To protect confidentiality small number disclosure rules and guidance are followed.

How will your personal data be kept?

B&NES Council is required to comply with the Data Protection Act 2018 to ensure information is managed securely and this is reviewed every year as part of the NHS Information Governance Toolkit assessment.

Unless a parent or child has voluntarily opted-out, NCMP data is downloaded from a password protected NHS Digital website. NCMP data is stored in a secure protected folder, accessible only by authorised Public Health and Business Intelligence staff.

Births and deaths registration data is downloaded from a password protected secure NHS portal. Births and deaths registration data is stored in a secure protected folder, accessible only by authorised Public Health and Business Intelligence staff.

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Will we share your personal data?

Our commissioned provider, Virgin Care, who collects the NCMP data stores a record of the height and weight measurements on the child's health record and may share it with the provider of the local Child Health Information System (CHIS), South Central and West Commissioning Support Unit (SCW CHIS). The child's GP will either access these measurements direct from their health record, or Virgin Care may share this with them. B&NES also uploads the data to NHS Digital where it is also stored securely and used for national analysis. NHS Digital is responsible for collecting health and care information to check how the NHS and social care services are doing, and to use this to improve the care provided to people across England. NHS Digital shares de-personalised NCMP data with Public Health England (PHE) so they can undertake their work to protect and improve the nation's health. NHS Digital may also share de-personalised NCMP data with other organisations, such as universities. The information about the organisations NHS Digital has shared information from NCMP can be found at <https://digital.nhs.uk/services/national-child-measurement-programme>.

Other than sharing among authorised B&NES Council Public Health and Business Intelligence staff, births and deaths registration data supplied by NHS Digital will not be shared with any third parties.

There are occasions where service providers will have a legal duty to share information, for example, for safeguarding or criminal issues.

Can I ask for my data to be erased?

In certain circumstances you will have the right to have your data erased. Please contact us (details below) should you wish to request this.

For further information please contact the Public Health Team by e-mail [public_health@bathnes.gov.uk], or in writing to: Public Health Department, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG.

Where can I get independent advice?

If you require independent advice on this privacy notice please contact the Information Commissioner's Office [<https://ico.org.uk/>].

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