

## COVID-19 Data Protection Statement

During these unprecedented times, Voyage Care's main priority is the health and safety of our people we support, staff and the wider community.

As a result of these unique circumstances, Voyage Care may need to share personal data with the NHS and other regulatory and government bodies for the purpose of supporting the response to the COVID-19 pandemic. This will be done in accordance with data protection laws and will include any amendments to legislation made by the Secretary of State. We will also consider any guidance provided by the Information Commissioner's Office.

This privacy notice is an addendum to Voyage Care's main privacy statement and notices, and it explains how Voyage Care (as Data Controller) may use your personal data, specifically in relation to the COVID-19 (coronavirus) pandemic.

You may have already provided information for a specific reason, and the Voyage Care would usually seek to inform you that the data provided would be used for a different purpose. Due to the rapidly emerging situation regarding the current pandemic, this will not always be possible. If we already hold information regarding vulnerability, we may share this for emergency planning purposes or to protect your vital interests by sharing with services both inside and outside Voyage Care.

The Information Commissioner's Office has published guidance on data handling during the pandemic. In this current crisis, we may need to ask you for sensitive personal information that you have not already supplied, including your age or if you have any underlying illnesses or are vulnerable. This is so the Voyage Care can assist and prioritise its services.

### Your personal data

Personal data relates to a living individual who can be identified from that data. Some of your personal data is classed as 'special personal data' because this information is more sensitive for example health information, ethnicity and religion and so on.

As part of infection control Government Guidelines we are testing staff, people we support and visitors. This means we will be securely collecting and monitoring data regarding your test results result date, name of staff member, type of test, whether testing has been accepted or declined, outcomes / reasons for tests.

We will now be collecting data from people we support and staff on COVID vaccinations – dates of vaccinations and whether a vaccination has been given.

We will be collecting data on visitors to our Voyage Care services which includes name of visitor, date of visit, contact telephone details, optional email address. This is for track and trace and infection control purposes. We are also collecting data on reported COVID symptoms of the people we support and /or staff and periods of quarantine.



## Why we may need to share your personal data

In this current pandemic, we may share your information with other public authorities, emergency services, and other stakeholders as necessary and only when necessary in a proportionate and secure manner. Contact with you to obtain consent before sharing will not be required for all the reasons described in this notice. Please be assured that protection of personal data remains a priority at this time after the health and safety of everyone.

We will only share your personal information where the law allows, and we always aim to share the minimum data necessary to achieve the purpose required. Further, the information will only be used for the purposes listed and retained for limited specific times.

The General Data Protection Regulation (GDPR) and Data Protection Act 2018 allow us to share information for a wide variety of reasons. These are known as our 'legal bases to process data'. Data protection laws are written to facilitate valid information sharing, especially in times of emergency which often requires more collaborative working. The legal bases for processing data by Voyage Care during the COVID 19 pandemic are as follows:

- Fulfil an explicit statutory or government purpose
- Protect the public
- Satisfy external regulatory requirements
- Provide extra support for individuals with a disability or medical condition
- Safeguard children and individuals at risk, and
- Safeguard the economic well-being of certain individuals

## Sharing of your Personal Data during the Covid-19 pandemic

During the Covid-19 pandemic your personal data may also be shared for the following purposes:

- Understanding Covid-19 trends and risks to public health and controlling and preventing the spread of Covid-19
- Identifying and understanding information about people we support, visitors or staff with or at risk of Covid-19
- Management of people we support, visitors to our services and staff with or at risk of Covid-19 including: locating, contacting, screening, flagging and monitoring such people we support and staff and collecting information about and providing services in relation to testing, diagnosis, self-isolation, fitness to work, treatment, medical and social interventions and recovery from Covid-19
- Monitoring and managing the response to Covid-19 by health and social care bodies and the Government including providing information (including workforce details) to the public about Covid-19
- Delivering services to people we support and on behalf of local authorities and Clinical Commissioning Groups in connection with Covid-19



- Providing data to the NESCU Capacity Tracker and CQC Update survey as required pursuant to Government Guidance on Infection Control
- Research and planning in relation to Covid-19.

## Elements of the data protection law applicable at this time

Voyage Care will apply the following sections of the General Data Protection Regulation and Data Protection Act 2018 (other elements may be applied dependent upon emerging events):

### *General Data Protection Regulation (GDPR):*

#### **Article 6 - Lawfulness of Processing**

- **Article 6 (1) (c)** - processing is necessary for compliance with a legal obligation to which the controller is subject.
- **Article 6 (1) (d)** - processing is necessary in order to protect the vital interests of the data subject or of another natural (living) person
- **Recital (more detailed explanation) 46** - The processing of personal data should also be regarded to be lawful where it is necessary to protect an interest which is essential for the life of the data subject or that of another natural person. Processing of personal data based on the vital interest of another person should in principle take place only where the processing cannot be manifestly based on another legal basis. Some types of processing may serve both important grounds of public interest and the vital interests of the data subject as for instance when processing is necessary for humanitarian purposes, including for monitoring epidemics and their spread or in situations of humanitarian emergencies, in particular in situations of natural and man-made disasters.
- **Article 6 (1) (e)** - processing 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.

#### **Article 9 - Processing of special categories of personal data**

- **Article 9 (2) (c)** - processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent
- **Article 9 (2) (g)** - processing is necessary for reasons of substantial public interest...
- **Article 9 (2) (h)** - processing is necessary for the purposes of preventative or occupational medicine, where is it necessary for the provision of social care, the provision of health care or treatment or for the management of a health or social care system
- **Article 9 (2) (i)** - processing is necessary for reasons of public interest in the area of public health, such as protecting against cross-border threats to health or ensuring high standards of quality and safety of health care



## **Data Protection Act 2018 (DPA):**

Part 2, Chapter 2

### **Section 8 - Lawfulness of processing: public interest**

SCHEDULE 1, (Special categories of Personal Data), Part 1 (Conditions relating to Employment, Health and Research and so on),

#### **Paragraph 3 Public Health**

This condition is met if the processing is:

necessary for the reasons of public interest in the area of public health and carried out by or under the responsibility of a health professional, or another person who **in the circumstances owes a duty of confidentiality** under an enactment or rule of law.

SCHEDULE 1, (Special categories of Personal Data), Part 2, Substantial Public Interest Conditions

#### **Paragraph 16, Support for individuals with a disability or medical condition**

This condition is met if the processing can reasonably be carried out without the consent of the data subject and is necessary for reasons of substantial public interest.

#### **Paragraph 18, Safeguarding of children and of individuals at risk**

1. This condition is met if the processing is:
  - a) necessary for the purposes of:
    1. protecting an individual from neglect or physical, mental or emotional harm, or
    2. protecting the physical, mental or emotional well-being of an individual,
  - b) the individual is:
    1. aged under 18, or
    2. aged 18 or over and at risk,
  - c) the processing is carried out without the consent of the data subject for one of the reasons listed in sub-paragraph (2), and
  - d) the processing is necessary for reasons of substantial public interest.
2. The reasons mentioned in sub-paragraph (1)(c) are:
  - a) in the circumstances, consent to the processing cannot be given by the data subject
  - b) in the circumstances, the controller cannot reasonably be expected to obtain the consent of the data subject to the processing.
3. For the purposes of this paragraph, an individual aged 18 or over is 'at risk' if the controller has reasonable cause to suspect that the individual:
  - a) has needs for care and support,
  - b) is experiencing, or at risk of, neglect or physical, mental or emotional harm, and
  - c) as a result of those needs is unable to protect himself or herself against the neglect or harm or the risk of it



The information below show the legal basis we are relying on to use your personal or special category (sensitive) personal information.

We need to use your personal information to meet our legal obligations under the following legislation:

- Care Act 2014
- Carers (Recognition and Services) Act 1995
- Carers and Disabled Children Act (2000)
- Care Standards Act 2000
- Community Care (Direct Payments) Act 1996
- Court of Protection Rules 1994
- Care and Support (Direct Payments) Regulations 2014
- Disabled Persons (Service Consultation and Representation) Act 1986
- Enduring Power of Attorney Act 1985
- Equalities Act 2010
- Health Act 1999
- Health and Social Care Act 2001
- Health and Safety at Work Act 1974
- Health and Social care Act 2012, 2014 and 1983
- Health Service and Public Health Act 1968
- Mental Health Act 1983
- National Health Service and Community Care Act 1990
- NHS Act 2006
- Public Health Act 1936 and Public Health Act 1961
- Safeguarding Vulnerable Groups Act 2006

## Data Subject's Rights

Due to the current circumstances, if you submit a Subject Access Request (SAR) please be aware that you may experience a delay in us responding to your request. That's because we will be diverting resources to help with other challenges.

At this current time we are unable to collect any correspondence sent via post. If you need to get in touch regarding a SAR or other information request, please contact us via email at

[SAR@VoyageCare.com](mailto:SAR@VoyageCare.com)

## How long we store your data

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for (COVID-19), including for the purposes of satisfying any legal, accounting, or reporting requirements.



Information may be held for longer periods where the following apply:

- *Retention in case of queries. We will retain your personal data as long as necessary to deal with any queries you may have;*
- *Retention in case of litigation and insurance claims. We will retain your personal data for as long as you might legally bring claims (including insurance claims) against us; and*
- *Retention in accordance with legal and regulatory requirements. We will retain your personal data after you have received healthcare services at our Facilities based on our legal and regulatory requirements and obligations.*

## Your rights

You have several rights with respect to your personal data and these remain all intact during the current coronavirus pandemic. Any requests regarding your rights should be submitted to the Data Protection Officer, Laura Jordan. There may be a delay in responding fully to all requests within one calendar month, but we will strive to keep requestors updated with the progress of their request.

## Contact

Any questions regarding the above, please contact us at: [Informationsecurity@voyagecare.com](mailto:Informationsecurity@voyagecare.com)

## Changes to this privacy notice

We will regularly review this privacy statement and its applicability throughout the COVID-19 outbreak. We may also notify you in other ways from time to time about the processing of your personal information.