

# Halton Borough Council

## Privacy Notice for Public Health Services

### Data Controller

Halton Borough Council is a data controller for the purposes of the Data Protection Act. The Council's Data Protection Officer is Peter Richmond and can be contacted on 0151 511 7003 or by email to [Peter.Richmond@halton.gcsx.gov.uk](mailto:Peter.Richmond@halton.gcsx.gov.uk).

### Why do you need my information?

Halton Borough Council Public Health collects and holds information for public health purposes about:

- Residents of Halton
- People receiving health and care services in Halton
- People who work or attend school in Halton

The information is collected in two ways:

1. May be provided to us directly by a member of the public when they sign up to use a service we are providing.
2. It may be shared with us by another organisation due to us being part of a service they are providing, or as part of research and intelligence necessary for Public Health functions, such as informing decisions on the design and commissioning of services. This will include organisation such as Office for National Statistics, NHS Digital, national and local NHS bodies and Clinical Commissioning Group, local authorities and schools.

Halton Borough Council Public Health team uses personal identifiable information<sup>1</sup> about residents and healthcare users, to enable it to carry out specific functions for which it is responsible, such as:

- Control of infection
- Management of risks to public health
- Organising the National Child Measurement Programme (NCMP)
- Organising the NHS Health Check Programme
- Organising and supporting the 0-19 health service

The Public Health team also uses the information to derive statistics and intelligence for research and planning purposes, which include:

- Producing assessments of the health and care needs of the population, in particular to support the statutory responsibilities of the:

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<sup>1</sup> Personal data means data which relates to a living individual who can be identified from the data or from that data and other information held by the data controller (i.e. it can be linked to become identifiable).

- Joint Strategic Needs Assessment
- Director of Public Health Annual Report
- Health and Wellbeing Strategy
- Identifying priorities for action
- Informing decisions on (for example) the design and commissioning of services
- To assess performance of local health and care system and to evaluate and develop them
- To report summary statistics to national organisations
- Undertaking equity analysis of trends, particularly for vulnerable groups
- To support clinical audits

In these cases the information is used in such a way that individuals cannot be identified from them and personal identifiable details are removed as soon as is possible in the processing of intelligence.

This information includes:

- Contact details
- NHS number
- Geographic codes such as postcodes for the analysis of health inequalities
- Date of birth
- Information from birth and death certifications (personal identifiable information from NHS Digital used for public health purposes)
- Information about the provision of Public Health services, including:
  - Immunisations
  - Control of infection
  - Drug and alcohol treatment services
  - Sexual health services
  - 0-19 health services
  - National Child Measurement Programme
  - Lifestyle and behaviour change services
  - Cancer screening
  - Other screening programmes
  - Public health initiatives
- Information about lifestyle behaviours, including data collected for surveys
- Information about disease prevalence, including cancer registrations
- Information about other health statuses, including blood pressure
- Information about health and social care use, including:
  - GP services
  - Hospital services
  - NHS community services
  - Mental health services
  - Social care services

**What legal basis allows you to use my information?**

Last updated: April 2018

The Public Health team at Halton Borough Council have a legal status allowing the processing of Personal Confidential Data for certain Public Health purposes. The use of such data will be restricted so that the principles contained in the Data Protection Act 1998 and General Data Protection Regulation (2018) are fully adhered to. The legal basis is section 42(4) of the Statistics and Registration Service Act (2007) as amended by section 287 of the Health and Social Care Act (2012) and regulation 3 of the Health Service (Control of Patient Information) Regulations 2002.

All Local Authorities have a duty to improve the health of the population they serve. To help with this, we use the data and information from a range of sources, including data collected at the registration of a birth or death, to understand more about the health and care needs in the area. Public Health teams within Local Authorities are also required to commission and manage services for their population.

With specific regards to the National Child Measurement Programme (NCMP), Public Health England published the NCMP and general data protection regulation advice: addendum 2018 on Monday 19 March. Please note that:

- Consent is not the lawful basis for processing NCMP data under the GDPR; this is considered to be provided by 'compliance with a legal obligation' and the 'provision of health or social care'.
- Providing parents with the opportunity to withdraw their children from participation in the NCMP is required in accordance with Regulation 12 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulation 2013.
- No change is required to the way in which the NCMP data is processed from 25th May 2018 onwards for this to be lawful under the GDPR.

### **Do I have to provide this information and what will happen if I don't?**

You have the right to opt out of Halton Borough Council Public Health receiving or holding your personal identifiable information. The process for opting out will depend on the specific data is and what programme it relates to, as such please inform the person to whom you are asked to provide your data that you want to opt out so that they can take the necessary steps to check that this is possible and if so ensure this happens.

### **Who will my information be shared with?**

We are required to comply with the Data Protection Act to ensure information is managed securely and this is reviewed every year as part of our NHS Information Governance Toolkit assessment. Confidential public health data will only be shared with other areas of the NHS, local authorities or care organisations with the permission of the Caldicott Guardian, once the necessary legal basis has been established and data protection safeguards have been verified, so that the data is managed and used under the same restrictions. Anyone who receives information from Halton Borough Council Public Health is also under a legal duty to keep it confidential. In relation to births and deaths, the data will only be processed by Local Authority employees in fulfilment of their public health function, and will not be transferred, shared, or otherwise made available to any third party, including any organisations processing data on behalf of the Local Authority or in connection with their legal function.

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### **How long will you keep this information for and why?**

We only keep hold of information for as long as is necessary. This will depend on what the specific information is and the agreed period of time. Data is permanently disposed of after this period, in line with Halton Borough Council's Retention Policy/Schedule or the specific requirements of the organisation who has shared the data with us.

### **How will my information be stored?**

Any personal identifiable data is sent or received using secure email. All data is stored electronically on encrypted equipment and is managed using the principles of medical confidentiality and data protection. The number of staff accessing and handling such data is limited to only those key professionals named on relevant signed information sharing agreements (where applicable), all who undertake regular training about data protection and managing personal information.

### **Will this information be used to take automated decisions about me?**

No.

### **Will my data be transferred abroad and why?**

No.

### **What rights do I have when it comes to my data?**

1. Right of Access - you have the right under the Data Protection Act 1998 (General Data Protection Regulation 2018) to request a copy of your information and to know what it is used for and how it has been shared. This is called the right of subject access.

To request a copy of your data or ask questions about how it is used download a copy of our form from <https://www4.halton.gov.uk/Pages/councildemocracy/Data-Protection.aspx> and send it to Information Governance Service, Halton Borough Council, Service Improvement Division, Municipal Building, Widnes, WA8 7QF. Or email [informationgovernanceservice@halton.gov.uk](mailto:informationgovernanceservice@halton.gov.uk)

2. Right to be informed – through this Privacy Notice
3. Right to rectification – you have the right to have personal data rectified if it is inaccurate or incomplete.
4. Right to erasure – you have the right to have personal data erased and to prevent processing however the right to erasure does not apply in some circumstances.
5. Right to restrict processing – you have the right to block or suppress processing of your data, however this right does not apply in some circumstances.
6. Right to data portability – you have the right to obtain and reuse your data for your own purposes (copy or transfer personal data to another environment) in certain circumstances
7. Right to object to processing (to certain types of processing only)

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### **Who can I complain to if I am unhappy about how my data is used?**

You can complain directly to the Council's Data Protection Officer by writing to:

Data Protection Officer, Information Governance Service, Halton Borough Council, Municipal Building, Widnes WA8 7QF.

You also have the right to complain to the Information Commissioner's Office using the following details: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 08456 30 60 60 or 01625 54 57 45. Website: [www.ico.org.uk](http://www.ico.org.uk)