

Sheffield City Council

Privacy Notice Health and Wellbeing (Public Health)

<p>1. Who we are and what we do</p>	<p>Sheffield City Council (The Council) is responsible for improving the health and wellbeing (sometimes referred to as "Public Health") of the local population of Sheffield. This includes commissioning and in some cases, providing services that directly or indirectly improve people's health and wellbeing. This could include, for example, a service to help someone give up smoking, a service to help someone experiencing financial problems, or a service to ensure health and safety standards are being observed in facilities used by the public (e.g. a restaurant).</p> <p>All local authorities have a duty to improve the health and wellbeing of the population they serve. To help us do this, we use data and information from a range of sources, including data collected at the registration of a birth or death, to help us better understand the health and wellbeing needs of people in Sheffield and to design and commission services to meet those needs efficiently, equitably and effectively.</p>
<p>2. The purpose of this notice</p>	<p>The purpose of this notice is to inform you about the type of health and wellbeing information, including personal confidential data that we collect and hold about you, how we use this information, how we keep it safe and secure, who (if anyone) we share it with and who to contact if you require more information or wish to opt out.</p>
<p>3. What we mean by "personal confidential data"</p>	<p>Personal confidential data is information that can include your name, NHS number, date of birth, address (including postcode), ethnicity, health status (including any specific conditions or disability), details taken from your birth or death records (e.g. place of birth or cause of death), health or wellbeing needs and use of health and related care services. This includes deceased as well as living people's information.</p>
<p>4. Why we collect your information</p>	<p>We use this information to help us:</p> <ul style="list-style-type: none">• measure the health and wellbeing needs and outcomes of the local population• meet our statutory duties for producing a Joint Strategic Needs Assessment, annual Direct of Public Health report and a Health and Wellbeing Strategy• identify and address health inequalities• plan, target, monitor and evaluate our services including the Child

	<p>Weighing and Measuring programme, Health Check Service, Stop Smoking Service, Drug and Alcohol treatment services and health visiting and school nursing services</p> <ul style="list-style-type: none"> • deliver health and wellbeing services effectively, equitably and efficiently • protect the public from threats to health • control of infection • ensure accessible and appropriate access to relevant health and wellbeing services for all our population and especially for vulnerable groups of people • identify priorities for action and inform the design and commissioning of services
<p>5. How we use your information</p>	<p>Where possible, we use anonymised data, which means you cannot be identified from that information. We will only use your personal confidential data with your consent or if there is a legal requirement to do so. We will also only use what is relevant to support the services we provide to you in a joined up and coordinated way.</p> <p>We also have to honour any duty of confidence attached to information and apply Common Law Duty of Confidentiality requirements. This will mean where a legal basis does not exist to use your personal or confidential information, we will not do so.</p> <p>We collect health and wellbeing information in two key ways:</p> <ul style="list-style-type: none"> • It is provided to us directly by a member of the public when they sign up to use a service we are providing directly to them • It is 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 to support our public health functions such as informing decisions on the design and commissioning of services to meet such needs. Such organisations include the Office for National Statistics, NHS Digital, national and local NHS bodies, Sheffield Clinical Commissioning Group, other local authorities and schools. <p>Sheffield City Council remains the data controller (the organisation responsible for determining the purposes for and the manner in which personal data is used under the Data Protection Act) of such information at all times. Details of who to contact if you have any questions or</p>

	<p>concerns about this are as follows:</p> <p>Louise Brewins Head of Performance and Intelligence Sheffield City Council Policy, Performance and Communications Service Town Hall 1 Pinstone Street Sheffield S1 2HH</p> <p>0114 2057455 Louise.brewins@sheffield.gov.uk</p>
<p>6. How we keep your information safe and secure</p>	<p>All our staff have contractual obligations of confidentiality, enforceable through disciplinary procedures. All staff receive appropriate training on confidentiality of information and staff who (because of their role) have regular access to personal information receive additional specialist training. We limit the number of staff who access and handle such data and these staff are named in relevant signed data sharing agreements and declarations.</p> <p>We take relevant organisational and technical measures to ensure the information we hold is secure – such as holding information in secure locations, restricting access to information to authorised personnel, protecting personal and confidential information held on equipment such as computers with encryption and passwords. We will only exchange information using end to end secure methods of transfer e.g. encrypted email.</p> <p>We only keep hold of this information for as long as is necessary. This will depend on what the specific information is and the agreed period of time. The data is disposed of after this period in line with the Council’s records retention policy or the specific requirements of the organisation who shared the data with us. We also review these arrangements every year as part of our Data Security and Protection Assessment.</p> <p>We have appointed a Data Protection Officer, whose role is a legal requirement to monitor internal compliance, inform and advise the Council on its data protection obligations, provide advice on Data Protection Impact Assessments and to act as a contact point for data subjects and the supervisory authority (the Information Commissioner’s</p>

	<p>Office). The Council's Data Protection Officer is Mark Jones and he can be contacted as follows:</p> <p>Sheffield City Council</p> <p>Business Change and Information Solutions</p> <p>PO Box 1283</p> <p>Sheffield S1 1UJ</p> <p>DataProtectionOfficer@sheffield.gov.uk</p> <p>07919 458404</p> <p>We also have a senior person responsible for protecting the confidentiality of your information and enabling appropriate information sharing. This person is called the Caldicott Guardian – there are three in the Council: Louise Brewins (Public Health), Dominic Sleath (Children and Young People Services) and Simon Richards (Adult Social Services).</p>
<p>7. What information we share, with whom and how</p>	<p>We share anonymised information with NHS and Council services and partners for the purposes of improving local health and social care, wellbeing services, research, audit and evaluation. We will not share personal confidential data about you unless:</p> <ul style="list-style-type: none"> • you have given us consent; • we are lawfully required to report to certain authorities such as to prevent fraud or serious crime; • to protect children and vulnerable adults (safeguarding); • when a formal court order has been served upon us; and • to protect the health and safety of others, for example reporting an infectious disease. <p>We will only share what is appropriate and relevant so that services can be provided to you in a joined up way.</p> <p>It may sometimes be necessary to transfer personal information overseas, for example if we use a cloud service that has host servers located in another country. When this is needed information may be transferred to countries or territories around the world. Any transfers are made in full compliance with all aspects of the Data Protection Act. We do not use automated decision-making processes for this public health data.</p>

<p>8. Our legal basis</p>	<p>The Secretary of State for Health has given limited permission for us to use certain person confidential information when it is necessary for our Public Health work (see above).</p> <p>For personal information about births, deaths and health data, the Council has Data Access Agreements with NHS Digital respectively. The data are supplied in accordance with Sections 261(1), 261(2)(b)(ii) and 261(5)(d) the Health and Social Care Act (2012) and the Health Service (Control of Patient Information) Regulations 2002.</p> <p>Under the Data Protection Act 2018 the processing of personal data and special category data must comply with Article 6 and Article 9 of the General Data Protection Regulations:</p> <ul style="list-style-type: none"> • GDPR Article 6: “Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”. Where the statutory duties and powers of the official authority, as set out in the Health and Social Care Act 2012 include: public health and health and wellbeing strategy • GDPR Article 9(g): “Necessary for reasons of substantial public interest”. Qualified further by the Data Protection Act 2018 Schedule 1 Part 1(2) Health or social care purposes and the provision and management of services or systems. • GDPR Article 9(h): “Necessary for the purposes of [...] the provision of health care or social care systems and services on the basis of union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in [GDPR Article 9] paragraph 3”. Paragraph 3 cites professional subject to the obligation of professional secrecy [...] or rules established by national competent bodies. <p>In order to use this data we have to meet strict conditions that we are legally required to follow, which includes making a written commitment to NHS Digital that we will not use information in any way that would reveal your identity. These terms and conditions can be found on NHS Digital's website www.digital.nhs.uk</p>
<p>9. Link to ICO for independent advice</p>	<p>The Data Protection Act 2018 requires organisations such as councils to register with the Information Commissioner's Office (ICO) to describe the purposes for which they process personal confidential data. The Information Commissioner's Office is the UK's independent body set up to uphold information rights. Sheffield City Council has notified the</p>

	<p>Information Commissioner's Office to this effect and you can access this notification from the ICO's website at www.ico.org.uk</p>
<p>10. Opting out</p>	<p>You have a choice about whether you want your confidential information to be used in the way described in section 5 above. If you are happy with this use of information you do not need to do anything. If you do choose to opt out your confidential information will still be used to support your individual care.</p> <p>To find out more or to register your choice to opt out, please visit www.nhs.uk/your-nhs-data-matters. On this web page you will:</p> <ul style="list-style-type: none"> • See what is meant by confidential information • Find examples of when confidential information is used for individual care and examples of when it is used for purposes beyond individual care • Find out more about the benefits of sharing data • Understand more about who uses the data • Find out how your data is protected • Be able to access the system to view, set or change your opt-out setting • Find the contact telephone number if you want to know any more or to set/change your opt-out by phone • See the situations where the opt-out will not apply <p>You can also find out more about how this information is used at: https://www.hra.nhs.uk/information-about-patients/ (which covers health and care research); and https://understandingpatientdata.org.uk/what-you-need-know (which covers how and why patient information is used, the safeguards and how decisions are made). You can change your mind about your choice at any time.</p> <p>Data being used or shared for purposes beyond individual care does not include your data being shared with insurance companies or used for marketing purposes and data would only be used in this way with your specific agreement. Health and care organisations have until 2020 to put systems and processes in place so they can be compliant with the national data opt-out and apply your choice to any confidential information they use or share for purposes beyond your individual care. Our organisation is not currently compliant with the national data opt-out policy.</p>

<p>11. Contact details for further information</p>	<p>The Data Protection Act 2018 gives you the right to apply to see or to be given a copy of the personal information the Council holds about you. This is called a “Subject Access Request”. To submit a request please see our web page on Making a Subject Access Request - https://www.sheffield.gov.uk/your-city-council/policy--performance/how-we-will-deliver/other-strategies-plans-and-policies/data-protection-handling-personal-data/subject-access-request.html</p> <p>In the event that you consider Sheffield City Council has not complied with the Data Protection Act, either in responding to such a request or in our general processing of your personal information, you can contact us by telephoning 0114 2734567 or visiting First Point (at Howden House on Union Street in the City Centre), writing to us at Sheffield City Council, Town Hall, Pinstone Street, Sheffield S1 2HH or contacting us online at www.sheffield.gov.uk/your-city-council/how-to-contact-us/complaint.html</p> <p>If you are not satisfied with the response from the Council then you have the right to complain to, appeal to, or raise your concerns with the Information Commissioner and ask him to investigate. The Information Commissioner's website is at: www.ico.org.uk and the postal address is: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Or you can telephone the ICO on 01625 545700</p>
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11th April 2019