

## **Coronavirus (COVID-19) Testing Programme: Privacy Information for Users of the Pillar 2 Testing Service**

Coronavirus (COVID-19) testing in Northern Ireland is part of the UK COVID-19 Testing Programme, commissioned by the Department of Health and Social Care (DHSC) in England. COVID-19 testing is carried out in Northern Ireland in partnership with Health and Social Care Northern Ireland, including the Public Health Agency (PHA) and the Department of Health.

The COVID-19 Testing Programme is divided into a number of separate workstreams called 'pillars'. The Pillar 2 Testing Programme provides testing for the wider population .

This Privacy Notice provides a broad description of the way the PHA processes your personal information under the COVID-19 Pillar 2 Testing Programme, when you choose to have a COVID-19 test. It also summarises how DHSC, as commissioner of the Testing Programme, uses your personal information.

### **COVID-19 Testing Programme: Pillar 2**

The first step of taking a test for COVID-19 usually involves taking a swab of the nose and / or the back of the throat, which can be done by the person themselves (self-administered) or by someone else (assisted).

The test will confirm whether you currently have COVID-19. This is so that you can:

- take the right steps to look after yourself and protect others
- know if you are fit and well to return to your place of work
- potentially reduce the amount of time you have to self-isolate for

The different ways you can get tested under pillar 2 are covered below:

#### **Home tests**

You may register for a home test if you are considered to be requiring further treatment. All kits are now pre-registered. This means that when you receive this kit your personal information provided will be linked to this kit in order for you to receive your test result.

It is important that this kit is not used by anyone else as the test result will be linked to the person booking the home kit. The result will be sent to this email address and mobile telephone number provided before the kit is issued.

See here for more information on those who can have further treatments:

<https://www.nidirect.gov.uk/articles/treatments-coronavirus-covid-19>

### **Satellite service**

A satellite service (web based LFT ordering and delivery service for organisations) currently serves a number of types of accommodation facilities, including care homes and supported living organisations.

Please see Annex A for more information on the satellite service, including care home testing.

Health and Social Care Northern Ireland takes your privacy seriously and we only collect the information we need to. Staff will only access your information on a 'strict need to know' basis when they are involved in supporting the COVID-19 pandemic.

#### Information that may be included for you or those that require testing:

- first and last name
- date of birth
- home address and delivery address including postcode
- gender
- data revealing racial or ethnic origin
- genetic data
- whether you are clinically vulnerable or require additional support
- landline and mobile phone number
- email address
- National Insurance Number
- Health and Care Number (so that we can make sure your test result gets stored in your Electronic Care Record)
- details and date of COVID-19 onset of symptoms
- vaccination status
- employer details
- Job title

- passenger journey details (such as recent travel history whether you travelled overseas in the last 14 days and the country you spent most time in)
- other household members' details, if you are ordering or booking a test for them as well
- your NHS login account identifier (if you access our services using your NHS login details)
- test result status (whether positive more than 90 days ago)
- health data (such as your test results)
- close contact details (the name and contact details of people you have been in close contact with)

Once you have taken a PCR test, the laboratory will analyse the sample and provide your test result to the National Pathology Exchange (NPEX). The laboratory does not receive any of your personal data, only the specimen ID from the test kit and the laboratory attaches the result to the specimen ID.

NPEX will send your test result to the Business Services Organisation in Northern Ireland which maintains a central database, along with other information relating to COVID-19, to enable health and social care organisations to respond to COVID-19. The Business Services Organisation shares this information with the PHA. You will be informed of your result by text and/or email. Your result will also be sent to your Electronic Care Record.

### **If you test positive**

If you test positive for COVID-19, you should follow advice found here

<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-testing>

If you test positive, your details will also be checked against patient databases to identify if you have any conditions that may mean you are eligible to receive neutralising monoclonal antibodies treatment or antiviral treatment. If you are identified as potentially eligible, your details will be shared with the HSC Trust that will provide a clinical assessment.

You must inform your employer if you test positive for COVID-19, because they will need to take action to support you and manage any impact on the organisation (such as inviting others you work closely with to be tested).

Coronavirus is classified as a biological agent as defined in regulation 2(1) of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003.

## **Data controllers**

On 1 October 2021, UKHSA came into being. UKHSA is an executive agency within DHSC and it combines many of the health protection activities previously undertaken by Public Health England (PHE) together with all of the activities of the NHS Test and Trace Programme and the Joint Biosecurity Centre (JBC). The processing activities and the data processors have not changed. Individual rights are not affected by this change.

DHSC has commissioned UKHSA on behalf of the UK government and DHSC will still be the data controller for the purposes of data protection legislation.

UKHSA is responsible for planning, preventing and responding to external health threats, and providing intellectual, scientific and operational leadership at national and local level, as well as on the global stage. UKHSA will ensure the nation can respond quickly and at greater scale to deal with pandemics and future threats.

The Department of Health and Social Care (DHSC) has commissioned the COVID-19 Testing Programme on behalf of the UK and is a data controller for the purposes of Data Protection Legislation. DHSC decides what information is required and how it needs to be used.

Further information on how the DHSC uses your information is available on the following website - [Coronavirus \(COVID-19\) testing: privacy information](#).

### **The DHSC is data controller for the following purposes:**

- receiving and processing your test
- returning your results to you
- sharing your results with NI health bodies to inform local planning and responses to COVID-19
- sharing data with Business Services Organisation ITS to link your test result to your Electronic Care Record and to analyse data in relation to COVID-19
- undertaking quality assurance of the testing process, for example clinical process assurance
- instructing the data processors to share data for research purposes. The data processor will have appropriate data security to manage this data
- research into COVID-19 (including potentially being invited to a research project)
- service evaluation of new COVID-19 diagnostic products

- planning of services or actions in response to COVID-19
- monitoring the flow of test data across the NHS Test and Trace systems to ensure that the tests being submitted to laboratories flow across the systems and are processed – known as test flow monitoring. For analysis to support operational decisions to improve the full end-to-end testing process
- contacting you to invite you to take part in a voluntary survey to better understand motivation and behaviours related to LFD results reporting.

Information provided by you, and collected about you, in relation to testing for COVID-19 will not be used for any purpose that is not linked to controlling the spread of COVID-19.

When your results are returned to Northern Ireland, the Public Health Agency assumes responsibility as data controller.

### **The PHA is data controller for the following purposes:**

- **surveillance** - to identify trends in the COVID-19 disease outbreak and to prevent/control spread
- **contact tracing** – to enable us to contact you to provide advice if appropriate and to seek information on others that you have been in contact with, so that they can be alerted and take the necessary steps to prevent further transmission. For more information on PHA health protection please see <https://www.publichealth.hscni.net/directorates/public-health/health-protection>
- **analysis** – for health research, health protection, service improvement and health promotion and for reports and the production of official statistics
- **sharing your data with the Health and Social Care Board (HSCB) and/ or your GP to identify if you may be eligible to receive Coronavirus treatment, including as part of a trial** - If you test positive, your details will be shared with the HSCB to check against patient databases to identify if you have any conditions that may mean you are eligible to receive neutralising monoclonal antibodies treatment or antiviral treatment. If you are identified as potentially eligible, the HSCB will share your details with the HSC Trust that will provide a clinical assessment. Your details may also be shared with your GP to identify if you may be eligible to receive Coronavirus treatment as part of a trial.

Please see Annex C for a full list of data controllers.

## **Data processors and other recipients of your data**

Organisations who use your data and information on behalf of a controller, can only do so with clear instructions from the controller and cannot use your data and information for any other purpose. Any use of information that is not covered by the instructions from the controller would be unlawful, unless the controller agrees and provides written permission to do this. DHSC have appointed data processors to carry out the following activities:

- registration of your test
- check your identity as part of part of ordering a home test (this is not a credit check and does not affect your credit score)
- to oversee the logistics of test kit deliveries
- link your personal details (provided on registering for the test) to the test result
- forward your test results, email address and phone number to NHS Business Services Authority to send you your test results
- receive data to enable your results and supporting information to be communicated back to you by text and email, along with supporting information
- ensure your test data is being processed properly

Other organisations involved in processing your data will be doing so either with an agreement in place with DHSC to provide that service, or with a legal basis of their own (such as NHS Digital).

An example of this is the Business Services Organisation, who will process your information when it is returned to Northern Ireland and will share it with the PHA (under an agreement the PHA has with Business Services Organisation). Information is also shared with the Department of Health in Northern Ireland for the purposes of COVID-19 monitoring. If your result is positive, your information will be shared with the HSCB in Northern Ireland for the purposes of determining your eligibility for Coronavirus treatment. If you are potentially eligible, the information will be shared with the HSC Trust that will assess you for treatment. Your information may also be shared with your GP to identify if you may be eligible to receive Coronavirus treatment as part of a trial.

Please see Annex D for a full list of data processors.

## **Legal basis under the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018**

PHA's legal basis for processing your personal data is:

- UK GDPR Article 6(1)(e) – the processing is necessary for the performance of its official tasks carried out in the public interest in providing and managing a health service
- UK GDPR Article 9(2)(h) – the processing is necessary for medical diagnosis, the provision of health treatment and management of a health and social care system
- UK GDPR Article 9(2)(i) – the processing is necessary for reasons of public interest in the area of public health
- Data Protection Act 2018 – Schedule 1, Part 1, (2) (2) (f) – Health or social care purposes

### **Your rights as a data subject**

By law, you have a number of rights as a data subject and this Testing Programme does not take away or reduce these rights.

These rights are:

- your right to get copies of your information – you have the right to ask for a copy of any information about you that is used
- your right to get your information corrected – you have the right to ask for any information held about you that you think is inaccurate to be corrected
- your right to limit how your information is used – you have the right to ask for any of the information held about you to be restricted, for example, if you think inaccurate information is being used
- your right to object to your information being used – you can ask for any information held about you to not be used. However, this is not an absolute right and we may need to continue using your information. We will tell you if this is the case.
- your right to get information deleted – this is not an absolute right and we may need to continue to use your information. We will tell you if this is the case.

### **Do I need to give my consent?**

The data is obtained on a lawful basis as outlined above and therefore you do not need to give consent.

Tests are completely voluntary; you do not have to take a test, but are encouraged to do so.

## **Where do you get my personal data from?**

Much of the personal data we use will be obtained directly from you. You will provide this when you are booking a test (or someone is booking on your behalf) and when you are registering on the results website site (or someone is registering for your test result on your behalf).

## **How long do you keep my personal data?**

In accordance with Data Protection legislation, we will only retain your data for as long as necessary and in line with Department of Health guidance.

## **How do I complain if I am not happy?**

If you are unhappy with any aspect of this privacy notice, or with how your personal information is being processed, please contact the Data Protection Officer at the following address:-

### **Data Protection Officer:**

Mr Stephen Murray

Public Health Agency, 12-22 Linenhall Street, Belfast, BT2 8BS

Tel: 028 9536 3519

Email: [dpo.pha@hscni.net](mailto:dpo.pha@hscni.net)

If you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office:

### **Information Commissioner's Office**

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

<https://ico.org.uk/global/contact-us/>

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## **Changes to this Privacy Notice**

This Privacy Notice will be kept under review and any updates will be placed on our website.

**Revised 14<sup>th</sup> October 2022**



## **Annex A: Organisational Testing in Satellite Service**

Testing has been rolled out to care homes and other similar residences, such as residential homes, hospices, and for staff only in supported living settings.

The information contained in this Privacy Notice applies to care home testing.

## **Annex B: The National COVID-19 Testing Partnership includes Lateral flow testing**

Lateral flow testing may be used in either symptomatic or asymptomatic populations who are at risk of COVID-19 infection. It is used to ease service demand on laboratories and to produce results rapidly (within 15 to 20 minutes), for timely reporting and for early detection, isolation and contact tracing of data subjects who might be infected by COVID-19.

Everyone completing an LFT is requested to self-report each test result on the [www.gov.uk](http://www.gov.uk) website. In submitting your test results the way your data is used and managed is the same as the PCR test outlined in the overarching privacy notice.

## **Annex C: List of data controllers**

Data controllers for the testing programme are:

- DHSC has commissioned the COVID-19 testing programme on behalf of the UK and will be data controller for the purposes of Data Protection legislation.
- NHS Digital is the controller for any personal information you provided to NHS Digital to get an NHS login account and verify your identity, and uses that personal information solely for that single purpose. For this personal information, DHSC's role is a "processor" only and must act under the instructions provided by NHS Digital (as the "controller") when verifying your identity.
- Public Health Agency – for:
  - **surveillance** - to identify trends in the COVID-19 disease outbreak and to prevent/control spread

- **analysis** – for health research, health protection, service improvement and health promotion and for reports and the production of official statistics
- **sharing your data with the Health and Social Care Board (HSCB) and/ or your GP to identify if you may be eligible to receive Coronavirus treatment, including as part of a trial** - If you test positive, your details will be shared with the HSCB to check against patient databases to identify if you have any conditions that may mean you are eligible to receive neutralising monoclonal antibodies treatment or antiviral treatment. If you are identified as potentially eligible, the HSCB will share your details with the HSC Trust that will provide a clinical assessment. Your details may also be shared with your GP to identify if you may be eligible to receive Coronavirus treatment as part of a trial.

#### **Annex D: List of data processors**

Each organisation that processes your information must provide you with information about how they do this, and this information will be limited to their role in the test programme. This should be publicly available on their website or can be requested from them. For example, if you want to know more about how NHS Digital uses your information, then you can visit their website.

Data processors can only act upon written instruction from a data controller; they cannot use data and information without permission of the data controller.

<b>Name</b>	<b>Services they provide</b>
Amazon Web Services	Provide digital solution for ordering home test kits
Barcode Warehouse	Providing bar codes for test kits
The Business Services Organisation	Processing test results on behalf of PHA. Uploading results data to the NI Electronic Care Record
Courier 1 (DHL)	Distribution, storage, packing and transport of test kits

<b>Name</b>	<b>Services they provide</b>
Courier 2 (Royal Mail Group)	Collecting completed test kits from homes and delivering them to labs
Courier 3 (Kuenhe + Nagel)	Distribution, storage, packing and transport of test kits
Experience Lab	Provide user or market research for people who have undertaken tests
Kainos	Developing and maintaining the NHS UKHSA travel test booking platform, the home ordering service for test kits, the test results service and assisted lateral flow device service
Leamington Mega Lab	Analysing sample from the completed test kit and sharing results with NPEX
Glasgow, Laboratory	Analysing sample from the completed test kit and sharing results with NPEX
National Pathology Exchange (NPEX) – hosted by Calderdale and Huddersfield NHS Trust	Receives results from labs and links results to test registration, flows results data to NHS Business Services Authority, flows results data to NI Business Services Organisation.
NHS Business Services Authority	Reports laboratory results back to the individual who has taken the test, collates results and send country-specific data to the 4 home countries
NHS Digital	Manages the 'Ask for a coronavirus test' section of the NHS.UK website (for members of the public booking tests)

<b>Name</b>	<b>Services they provide</b>
Office of National Statistics (ONS)	Research and analytics for monitoring of COVID-19
Public Health Agency (Northern Ireland)	Analysis of results data for monitoring of COVID-19
Royal Mail	Provide logistics for home delivery of test kits, collecting completed test kits from homes and delivering them to labs
Teleperformance	Providing call centre assistance
TransUnion	Provides identity verification checks as part of the registration process for a home test kit (this is not a credit check and will not affect your credit score)