

Your Privacy is really important to us and we are committed to protecting your personal data

Gibraltar Health Authority

COVID-19 Privacy Notice

(This Privacy Notice is to run alongside our standard practice Privacy Notice)

Purpose of this notice

This privacy notice has been developed in response to the current Covid-19 pandemic and is intended to both inform and reassure you that your personal data is being shared appropriately within the GHA and with our partners dealing with health and social care matters and contingency measures.

This notice describes how we may use your personal data to protect you and others during the Covid-19 pandemic. It supplements our main Privacy Notice, which is available at <https://www.gha.gi/media/press-releases/privacy-policy/>.

Due to the unprecedented challenges that the GHA, and Gibraltar as a whole, are facing due to the COVID-19 pandemic, there is a greater need for public bodies to require additional collection and sharing of personal data to protect against serious threats to public health.

The GHA, together with HM Government of Gibraltar “HMGoG”, are taking action to manage and mitigate the spread and impact of COVID-19. Health and care information are essential to deliver care to individuals, to support health and social care services and to protect public health. Information will also be vital in researching, monitoring, contact tracing and managing the outbreak in Gibraltar.

Since we need to adapt rapidly to respond to the current pandemic it may not always be possible to inform you that the personal data you previously provided the GHA are being used for different purposes such as emergency planning. Notwithstanding, the GHA is committed to transparency and ensuring that you are kept as up to date as reasonably possible.

Reasons for using your data

During this time we may use your personal data for Covid-19 purposes. The following are a few examples of Covid-19 purposes:

- understanding Covid-19 and risks to public health, trends in Covid-19 and such risks, and controlling and preventing the spread of Covid-19 and such risks;
- identifying and understanding information about patients, or potential patients, with or at risk of Covid-19, information about incidents of patient exposure to Covid-19 and the management of patients with or at risk of Covid-19 including: locating, contacting, screening, flagging and monitoring such patients 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;
- understanding information about patient access to health services and adult social care services and the need for wider care of patients and vulnerable groups as a direct or indirect result of Covid-19 and the availability and capacity of those services or that care;

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- monitoring and managing the response to Covid-19 by health and social care bodies, and HMGoG, including providing information to the public about Covid-19 and its effectiveness and information about capacity, medicines, equipment, supplies, services and the workforce within the health services and adult social care services;
- delivering services to patients, clinicians, the health services and adult social care services workforce and the public about and in connection with Covid-19, including the provision of information, fit notes and the provision of health care and adult social care services;
- research and planning in relation to Covid-19;
- sending you public health messages either by phone, text, or email.

Additionally, it may be necessary, where the latest technology allows, for us to use your personal data, and health data, to facilitate digital consultations and diagnoses. We will always do this with your security in mind.

Sharing your data

In order to look after your health and care needs during these difficult times, it may be necessary to share your personal data with other public sector bodies.

Any personal data used or shared during the COVID-19 pandemic will be limited to the period of the pandemic unless there is another lawful basis to use the data. This sharing does not include information that is part of your medical records **unless this is absolutely necessary in order to secure the best care for you during the pandemic.**

The types of organisations we may share your personal data with include:

- The Contact Tracing Bureau – they will have responsibility for conducting case interviews and contact tracing new cases of Covid-19 in Gibraltar, to ensure that appropriate public health advice is provided to persons who may have come in contact with a person who has tested positive for Covid-19.

The Contact Tracing Bureau is led by medical practitioners and consists of public sector staff (including GHA officers). They will have secure and appropriate access to contact information on the GHA's Hospital Information System for the purposes of conducting their appointed duties.

- Public Health Gibraltar – they have been working tirelessly alongside the GHA to ensure that appropriate guidance and advice is available to HMGoG and Gibraltar as a whole.
- The Care Agency, Elderly Residential Services and Civil Contingencies – in some cases, in order to ensure that we can provide the best care possible for you it may be necessary to share information with these bodies.
- The Royal Gibraltar Police "RGP" – in order to ensure that persons are complying with lockdown measures, or unlocking restrictions, it may be necessary to share information with the RGP. This will always be limited to the bare minimum necessary to ensure that effective policing can take place.

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Visitors to any GHA premises

We have an obligation to protect our employees' health, so it is reasonable for staff at any of our premises to ask any visitors to tell us if they have visited a particular country, or are experiencing COVID-19 symptoms. This must only be in pre-approved circumstances and based on countries that have been listed under Gibraltar law or guidance as at-risk.

We may also check your temperature prior to entry.

Where it is necessary for us to collect personal data, and specific health data, about visitors to our practice, we will not collect more information than we need, and we will ensure that any personal data collected is treated with appropriate safeguards.

We would also ask all our patients and visitors to consider current public health guidance and recommendations throughout the Covid-19 pandemic.

Our lawful bases under the GDPR

Where we are directed to process personal data for COVID-19 Purposes, this is a legal obligation and we are allowed to process your personal data under Article 6(1)(c) of the GDPR.

Where we process personal data as part of our statutory functions, including when we are assisting HMGoG in the COVID-19 response, we are allowed to do this under the lawful basis at Article 6(1)(e) of the GDPR.

When we need to process health data, and other special categories of personal data, we will only do this where it is necessary. When we are using more sensitive types of personal data, including health data, our lawful basis is usually that the information is necessary:

- for the provision or management of our health and social care services (this includes when we are treating you ourselves, or if we are referring you to other services for help);
- for reasons of public interest in the area of public health;
- for reasons of substantial public interest for aims that are proportionate and respect people's rights;
- in order to protect your vital interests;
- for the establishment, exercise or defence of legal claims or in the case of a court order;
- to carry out our obligations and exercise our rights in respect of employment law;
- for archiving purposes, historical or scientific research or statistical purposes that are proportionate and respect people's rights.

As an employer, we also process our employee's health data for the following purposes:

- preventative medicine;
- occupational medicine;
- the assessment of the working capacity of our employees.

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How we protect your data

We take care to ensure your personal data is only accessible to authorised persons and with strict access controls. Our employees are under a legal and contractual duty to keep personal health information secure, and confidential.

We undertake audits on a periodic basis to check for any misuse or unauthorised access of information.

We want to re-assure you that most of the processing of your personal data during COVID-19 is based on existing protocols in place.

If any special arrangements are required to ensure a rapid response, we will ensure that we revisit these once the pandemic has ended, and ensure that any unnecessary processing of personal data is ended.

Your rights

Please note that your privacy rights remain the same as before. Should you have concerns or want to exercise your rights, please refer to our main Privacy Notice.

Review and Expiry of this Notice

This Notice will be reviewed on or before 31 December 2020.

We may amend this privacy notice at any time, so remember to keep up to date by checking our website every so often.