



Privacy Notice

CQC Registered Care Homes: Employee and Visitor Vaccination Status Checks

This Privacy Notice is issued in connection with the council's obligations under the [Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) \(Coronavirus\) Regulations 2021](#) and operational [guidance issued by the Department of Health and Social Care](#), that comes into force on 11 November 2021 and applies to:

- Care Home Employees
- Professional Health and Social Care Employees
- Contractors and Other Professional Visitors

When processing your personal data, the council is required under Articles 13 and 14 of the UK General Data Protection Regulation (UKGDPR) to provide you with the information contained in this document.

Data Controller

Name	Cumbria County Council
Address	Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Registration Number	Z5623112

You can search the Information Commissioner's Register of Fee Payers at:
<https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/>

Data Protection Officer

The council's Data Protection Officer is Claire Owen. You can contact the Data Protection Officer by:

Email: dataprotection@cumbria.gov.uk

Post: Cumbria County Council, Legal and Democratic Services, 1st Floor,
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Online: [Contact Form](#)

Purpose

This Privacy Notice is issued in connection with the council's obligations under the [Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) \(Coronavirus\) Regulations 2021](#) and operational [guidance issued by the Department of Health and Social Care](#), and applies to:

- Care Home Employees
- Professional Health and Social Care Employees
- Contractors and Other Professional Visitors

From 11 November 2021, anyone working or volunteering in a care home will need to be fully vaccinated against coronavirus (COVID-19), unless exempt.

The independent Scientific Advisory Group for Emergencies (SAGE) Social Care Working Group has highlighted that people living in care homes have been significantly impacted by the COVID-19 pandemic due to a combination of a heightened risk of severe outcomes following COVID-19 infection and the risk of outbreaks in these closed settings.

They have advised that a vaccination uptake rate of 80% in staff and 90% in residents in each individual care home setting would be needed to provide a minimum level of protection against outbreaks of COVID-19, recognising that current or emergent variants may require even higher levels of coverage and/or new vaccines to sustain levels of protection and that higher coverage and both doses would result in more protection. Only 65% of care homes in England are currently meeting this dual threshold.

A COVID-19 vaccine, like most vaccinations, also has benefits that go beyond the benefits felt by the vaccinated individual. By vaccinating the social care workforce, additional benefits to society include a reduction in the rate of transmission by the workforce among the remainder of the workforce, care home residents and the wider community. In addition, the vaccine will reduce the likelihood of social care workers falling ill as a result of COVID-19 and needing to isolate or be absent from work.

Reducing the spread of the virus will have further positive impacts by reducing hospital admissions and the consequential cost of dealing with hospital treatments.

There remains a strong case for introducing a new requirement to make high-risk environments as safe as possible from the effects of COVID-19.

Consequently, all CQC-registered care homes, in England, providing accommodation for persons who require nursing or personal care, to only allow persons to enter a care home if they meet one of the following requirements:

- the person is a service user of the regulated activity in the premises used by the registered person

- the person has provided the registered person with evidence that satisfies the registered person they have been vaccinated with the complete course of an authorised vaccine
- the person has provided the registered person with evidence that satisfies the registered person that for clinical reasons they should not be vaccinated
- it is reasonably necessary for the person to provide emergency assistance in the premises
- it is reasonably necessary for the person to provide urgent maintenance assistance to the premises
- the person is a member of the emergency services in execution of their duties
- that a person is a friend or relative of the service user visiting the service user
- the person is visiting a dying service user
- it is reasonably necessary for the person to provide comfort or support to a service user in relation to a service user's bereavement following the death of a relative or friend; or the person is under the age of 18

The registered person must secure that the requirement is complied with.

Data Collection

Prior to entering a Registered Care Home all Care Home Employees, Professional Health and Social Care Employees, Contractors and Other Visitors will be expected to provide evidence of the following to the Registered Person on **their first visit**:

- that they have been vaccinated with the complete course of an authorised vaccine, or
- they have a valid clinical purpose or exemption for not being vaccinated

The [data types](#) below will be stored securely by the Registered Person until such a time that guidance issued by the [Department of Health and Social Care](#) is superseded or the vaccination status of any individual changes.

Any individual in the groups listed above are responsible for informing the relevant Registered Person if their vaccination status changes. Failure to do so may result in delays in admittance to the Registered Care Home and delivery of critical support services.

No copies of documentation will be requested or stored by the Registered Care Home in connection with this process.

Data Types

The following data is required to meet legal obligations and to enable officers to reach informed and robust recommendations and decisions:

- name
- employer name
- proof of vaccination status seen (Yes/No)
- proof of clinical reasons/exemptions seen (Yes/No)
- date verified

Legal Basis for Processing Data

When we collect your personal data (such as name, age, address) we rely on the following legal bases:

- **UKGDPR Article 6(1) (c) Legal Obligation**

Where the council is relying on UKGDPR Article 6(1)(c) all [Relevant Legislation](#) is listed below.

When we collect your 'special categories of personal data', (such as health, race, ethnicity, sexual orientation) we rely on the following legal bases:

- **UKGDPR Article 9(2) (i) Public health**

Relevant Legislation

These legal bases above are underpinned by acts of legislation that dictate what actions can and should be taken by local authorities, including:

- [The Health and Social Care Act 2008 \(Regulated Activities\) \(Amendment\) \(Coronavirus\) Regulations 2021 No. 891](#)

Automated Decision-Making/Profiling

We do not use your information for automated decision-making or profiling purposes.

Data Transfers

Your personal data is not transferred to a third country or international organisation.

Redaction

We operate a policy where we routinely redact the following details before making forms and documents available online:

- contact details e.g. telephone numbers, email addresses
- signatures
- personal or special category data
- information agreed to be confidential or commercially sensitive

Occasionally it may be considered necessary, justified and lawful to disclose data that appears in the list above. In these circumstances the council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

Data Sharing

We may share your information with the following organisations:

- Care Quality Commission

While responding to your enquiries or complaints it may be necessary to share your personal data with other parts of the council or other public bodies or organisations. The council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

Data Security and Retention

All of the information you give us will be kept safe and secure whether it is written or on a computer system. We will treat any personal information confidentially and will comply with the UKGDPR/Data Protection Act 2018. This means that, if we keep any of your personal data we must:

- tell you what information we need to collect from you
- only use the information for the reason we have agreed with you
- not ask for more information than we need to provide the services
- let you see any information we have collected about you, on request
- keep the information safe, secure and confidential
- personal information will be deleted in accordance with council policy

The information you supply will be kept on a secure system in the Registered Care Home and can only be accessed by authorised employees.

Your Rights - Data Subject Access

The UKGDPR provides you with the right to access information the council, as a public authority holds about you. Upon receipt of a valid request the council will:

- provide you with a response within one month
- let you know if your request is subject to an extension
- make reasonable efforts to comply with the format of your request
- inform you if your request is going to be refused or a charge is payable

You can make a Data Subject Access Request by contacting:

Email: information.governance@cumbria.gov.uk
Post: Cumbria County Council, Information Governance Team
Parkhouse, Baron Way, Carlisle CA6 4SJ
Telephone: (01228) 221234
Online: [Contact Form](#)

Your Rights - Other

In addition to your right of access the UKGDPR also gives you the following rights:

- the right to be informed via the council's Privacy Notice

- the right to withdraw your consent. If we are relying on your consent to process your data then you can remove this at any point
- the right of rectification, we must correct inaccurate or incomplete data within one month
- the right to erasure. You have the right to have your personal data erased and to prevent processing unless we have a legal obligation to process your personal information
- the right to restrict processing. You have the right to suppress processing. We can retain just enough information about you to ensure that the restriction is respected in future
- the right to data portability. We can provide you with your personal data in a structured, commonly used, machine readable form when asked
- the right to object. You can object to your personal data being used for profiling, direct marketing or research purposes
- you have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Where our processing of your personal data is based on your consent, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

Where our processing of your personal data is necessary for our legitimate interests, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Unless otherwise stated above you can exercise any of these rights by contacting:

Email: dataprotection@cumbria.gov.uk
Post: Cumbria County Council, Legal and Democratic Services, 1st Floor,
Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Online: [Contact Form](#)

Verifying Your Identity

When exercising the rights mentioned above please be aware that under UKGDPR Article 12(6) additional information can be requested to verify that you are the data subject if your identity is unconfirmed. Please note that:

- additional documentation is only required when the council cannot verify your identity using internal council systems that relate to the service you are requesting information about
- the council will contact you for this documentation prior to processing your request
- the statutory deadline for responding to your request will start when you have provided the additional documentation
- failure to provide additional documentation may lead to the council rejecting your request.

Complaints

If you have any concerns about the information contained in this Privacy Notice please contact: CumbriaCareQA@cumbria.gov.uk

If you have concerns about the way the council has processed your data, please contact the council's Data Protection Officer via:

Email: dataprotection@cumbria.gov.uk

Post: Cumbria County Council, Legal and Democratic Services, 1st Floor, Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD

Online: [Contact Form](#)

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you can complain to the Information Commissioner's Office (ICO): <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

Reviews and Updates

In accordance with UK GDPR Article 13(3) where either, the extent of the data being collected or the purpose for collecting it changes this notice should be updated and republished, to ensure that data subjects are properly informed