



Privacy Notice

Cumbria Care - Self-Testing for Staff, Service Users and Visitors

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

Data Ownership

Cumbria Care is the data controller for the data required for the management of tests, implementing local arrangements in the event of a positive test and collecting details of who has received each test kit.

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

Department of Health and Social Care (DHSC) is the data controller for the information that you provide to them about you and your test results. For more information about what DHSC does with your data, see the [NHS Test and Trace](#).

Name	Department of Health and Social Care
Address	1st Floor North, 39 Victoria Street, London SW1H 0EU
Registration Number	Z5571792

This information is also available via 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 and can be contacted 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](#)

The Department of Health and Social Care Data Protection Officer is Lee Cramp and can be contacted by:

Email: data_protection@dhsc.gov.uk
Post: Department of Health and Social Care, 1st Floor North, 39 Victoria
Street, London SW1H 0EU

Purpose

Cumbria Care is required to support all staff, service users and visitors to self-test for COVID-19 in all of its Residential Care Homes, to:

- protect the health and safety of residents, employees and visitors
- enact local COVID isolation and control processes
- minimise the spread of COVID in a timely manner
- enable the safe and secure delivery of services

Self-Testing will be carried out in two ways:

- on premises
- at home

When you do your own testing at home or on the organisations premises, you must [report the results online](#) to the Department of Health and Social Care (DHSC) and also inform Cumbria Care. This data will be used to conduct research and compile statistical information about coronavirus by DHSC.

Cumbria Care will be required to maintain a Test Kit Log including negative and void test results, maintaining this record will assist with managing test stock and the general performance of the testing process.

Data Types

Cumbria Care is required to process either your personal, special category/sensitive or criminal/law enforcement data to meet legal obligations and make robust recommendations and decisions.

The **Personal Data** requirements are:

- Unique Test Code/Primary Reference
- First Name

- Last Name
- Telephone Number
- Email Address
- Lot or Batch Number
- Issue Date

The **Special Category Data** requirements are:

- Health i.e., Test Result(s)

The **Criminal/Law Enforcement Data** requirements are:

- **Not Applicable**

Legal Basis for Processing Data

Where Cumbria Care identifies the requirement to process personal, special category/sensitive or criminal/law enforcement data, depending on the specific data being shared, it must have at least one of the following:

- for personal data, a legal basis under **UKGDPR Article 6**,
- for special category/sensitive data, a condition under **UKGDPR Article 9**
- for criminal/law enforcement data, a purpose under **UKGDPR Schedule 8**

The following **legal bases** apply to the processing of your personal data:

- **UKGDPR Article 6(1) (e) Public Task/Public Interest/Official Authority**

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

The following **conditions** apply to the processing of your special category/sensitive data:

- **UKGDPR Article 9(2) (i) Public health**
- **UKGDPR Article 9(2) (j) Archiving, scientific/historical research or statistical purposes**

The following **purposes** apply to the processing of your criminal/law enforcement data:

- **Not Applicable**

Automated Decision-Making/Profiling

Automated individual decision-making is a decision made by automated means without any human involvement. Automated individual decision-making does not have to involve profiling, although in some cases it might.

A definition of Profiling can be found in: [UK GDPR - Article 4\(4\)](#) and further information can be found at: [ICO - Automated Decision Making and 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

To achieve the [purpose](#) laid out above, Cumbria Care will share [specific data](#) with:

- Department of Health and Social Care
- Public Health England
- Other Central or Local Government Departments

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. All reasonable efforts will be made to contact you if this processing is going to have an impact on your rights or privacy.

Data Security and Retention

The data, collected from or supplied by you, will be kept on a secure system and can only be accessed by authorised employees involved in the management of tests and implementing local arrangements in the event of a positive test.

Organisation	Data Type	Retention Period
Cumbria Care	Test Kit Log	12 Months
Department of Health and Social Care	Test Results	8 Years

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 (DSAR) 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