



## Privacy Notice for Covid-19 Vaccination Records for Employees

The Forbury Clinic is the trading name of Berkshire Health Limited (BHL) which is a wholly owned subsidiary of Genesis Cancer Care UK Limited (GenesisCare) and for the purposes of data protection legislation BHL and GenesisCare jointly control your data.

### **How your Personal Data will be used by BHL and GenesisCare**

The Department of Health and Social Care have implemented regulations which amend the Health & Social Care Act 2008 (Regulated Activities) Regulations 2014, meaning that BHL and GenesisCare can only employ or engage a person in respect of a CQC regulated activity, if the person provides evidence that they have been vaccinated with a complete course of an authorised vaccine against Covid-19 or if otherwise they are vaccinated against coronavirus within a specified time period and vaccinated with a single dose of an authorised vaccine, subject to specific exemptions.

To respond to this new law, which takes effect 1<sup>st</sup> April 2022, we will need to collect additional information from you to ensure that we, as a provider of regulated activity, are meeting our legal obligations.

### **What information are we required to collect and hold?**

We are expected by regulators to retain certain records to demonstrate that we are complying with the law. We will therefore collect and retain records evidencing your vaccination status or, where relevant, your exemption. We will continue to monitor your status throughout your engagement with BHL to ensure that our records are up to date and accurate.

Risk assessments will need to be completed to ascertain the potential risk of Covid spread caused by unvaccinated but exempt workers and to identify the level of risk of exposure to the individual, other workers and patients.

### **Sharing your Personal Data**

- Our People and Culture Team are responsible for day-to-day management of the process for employees. Your Line Manager will also have access to the information for operational and management purposes
- In exceptional cases, IT support may be able to access the systems where your Personal Data is held for the purposes of providing technical and management support of our systems, where such support is needed
- Any individual who is or may be medically exempt may be referred to Occupational Health services for advice and recommendations.

We may also be required to share Personal Data with:

- Regulators during enquiries, investigations, and reports
- Auditors undertaking investigations
- Courts and/or advisors in the event of legal action.

### **Securing your Personal Data**

Evidence of your vaccination status, or exemption will be collected and maintained by the GenesisCare People & Culture Team.

Your records are only accessible to certain individuals who have a justified need to access the information (see section Sharing your Personal Data).

### **Who is within scope?**

As drafted, the regulations will apply to health workers who have direct face-to-face contact with people while providing care, unless they are exempt. Government guidance states they will also apply to staff in non-clinical roles who enter areas used for the provision of a CQC-regulated activity as part of their role or who may have social contact with patients but who are not directly involved in their care.

GenesisCare Covid Vaccination Policy will define the scope of vaccination requirements within GenesisCare and its subsidiaries.

### **Lawful basis for processing Personal Data**

From now until implementation of amended CQC regulations:

- Article 6 (1) (f) necessary for the legitimate interest of GenesisCare and its subsidiaries, specifically:
  - To prepare for impending legal obligations
  - Protect service users and to reduce transmission within healthcare premises
  - Protect healthcare workers by increasing the uptake of vaccinations
  - Contribute to the protection of individuals who may have a suboptimal response to their own immunisations
  - Avoid disruption to services that provide care by reducing Covid-19 sickness related absences.

From implementation of amended CQC regulations:

- Article 6 (1) (c) necessary for compliance with a legal obligation
- Article 9 (2) (b) necessary in the field of employment – this would only apply to the extent that GC records employee data
- Article 9 (2) (h) necessary for assessing the working capacity of the employee and the provision of health care treatment and services
- Article 9 (2) (i) necessary for reasons of public interest in the area of public health.

### **Ongoing review**

We are acutely aware that this is a fast-moving subject. Our approach is led by current law, guidance and advice impacting on GenesisCare and its subsidiaries. In the event that a change to the requirements is identified, we will update our processes and communicate those changes as appropriate.

Further information, including details of your privacy rights, can be found in the Privacy Notice for Staff on the BHL website: <http://www.theforburyclinic.co.uk/>

January 2022