

# COVID-19: What you need to know about data protection

April 2020



# Put simply

- Data protection won't stop you from helping people, but there are certain things you need to take into account when handling people's information.
- The law is a set of sensible standards that will help you handle people's information responsibly. That means taking proper care of things like people's names and addresses as well as more sensitive details about their health or religion.

# How to apply the law in this extraordinary time:

The basics of data protection:

1. Keep it clear
2. Keep it lawful
3. Keep it secure
4. Keep it to a minimum
5. Keep a record of what you have done

## Keep it clear

- You should be clear, open and honest with people about what you are doing with their personal information. Tell them why you need it, what you'll do with it and who you're going to share it with.
- It's best to have this written down in a document called a privacy notice. But if that's going to delay vital support, then you can just speak to people.

# Keep it lawful

If you're not sure whether you should be handling personal data, think about whether it falls into one of the following categories:

- Would the person expect me to use their information in this way (legitimate interests)?
- Have they given me their clear and unambiguous consent to use their personal information (consent)?
- Is the person's health or safety at risk if I don't use their personal data (vital interests)?

If the answer is yes to any of these questions, then you can handle and share personal data.

# Keep it lawful

You should also take particular care if you're handling sensitive data, referred to as 'special category data' in data protection law. This is private information like your health records, sexuality, race, ethnicity and religion. If you are going to use this kind of information, you should ask further questions:

- Do I need this information to protect a person at risk (safeguarding individuals)?
- Have they given me their explicit consent to use their private information (consent)?
- Would this information save someone's life (vital interests)?

If the answers is yes to any of these questions, then you can also handle and share this type of information. Make sure you are doing only what is necessary and appropriate for the task at hand.

# Keep it secure

- You must look after the personal data you collect. That means keeping it secure on a device – which can be your own - or in a locked cabinet, for example.
- Security measures needn't be so onerous that they prevent you carrying out your work.
- Think about the impact on a vulnerable person if the information they entrusted you with becomes lost or stolen. Then apply measures to reasonably reduce the risk of that happening.

## Keep it to a minimum

- Only use and keep what you need to provide help to vulnerable people during the COVID-19 crisis. When the emergency is over, make sure you and your staff securely delete or destroy any personal information that you no longer need.



# Keep a record of what you've done

- Finally, you should keep a record of any decisions you make that involve the use of personal information. Ideally, you should do this first – even before you start collecting information. But we understand that might not be possible during the pandemic. So just make sure you keep notes of what you've done and why and then make more detailed records as soon as possible.

## Further information

To find out more about your obligations and how to comply, including protecting personal information, and providing access to official Council information visit the ICO website: <https://ico.org.uk/for-organisations/data-protection-and-coronavirus/>

If you are sharing data personal data as part of Councils response to COVID19 please contact the Data protection Officer for advice.