

Fair Processing Notice for B&NES Public Health's use of Personal Data

Bath and North East Somerset Council (B&NES) is registered as a 'data controller' under the Data Protection Act (ICO registration Z5664161) as we collect and process personal information about you.

What is a Fair Processing Notice (also known as a 'Privacy Notice')?

Is a set of policies setting out what we will be doing with your personal data. Processing personal data must above all else be fair, as well as satisfying the relevant conditions for processing. ["Processing" broadly means collecting, using, disclosing, retaining or disposing of personal data. "Personal Data" is information that relates to a living individual (data relating to a deceased person still needs to be kept confidential though) who can be identified either: (i) from the information; or (ii) from the information combined with any other information which is already in the possession of, or likely to come into the possession of, the person or organisation holding information.]

Who are we?

The Public Health team in B&NES Council works with a wide range of health and social care professionals (including doctors and nurses in GP surgeries and hospitals), schools and colleges, the police, fire service and other council colleagues across B&NES to promote the health of local people.

What personal data do the Public Health team process?

Under the provisions of the Health and Social Care Act of 2012; Bath & North East Somerset Council receives health data from a range of sources, including NHS Digital. The following personal data sets are processed by authorised staff in B&NES Council Public Health Team:

- i. Births data (includes individual data of births to residents of B&NES with NHS number and date of birth of baby and usual address and postcode of mother, but does not include the names of mothers and babies);
- ii. National Child Measurement Programme (NCMP) data (includes name, date of birth, address and postcode of residence, NHS number, weight and height of participating pupils in B&NES's state funded schools who are in Reception and Year 6); and
- iii. Deaths data (includes individual data of deaths among residents of B&NES, as well as deaths among registered patients in NHS Bath and North East Somerset Clinical Commissioning Group; with NHS number, address and postcode of residence, date of birth and date of death of deceased, but not names of deceased persons).

NCMP data is collected by B&NES's external commissioned provider and the data is transferred directly to NHS Digital before it is processed and released to B&NES Council.

Births and deaths data sets are produced by the Office of National Statistics and managed by NHS Digital.

What is the legal basis for access to personal data?

The legal basis for NCMP and how it should be delivered is set out in the [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013](#).

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Official access to confidential records of births and deaths is in terms of section 42(4) of the [Statistics and Registration Service Act \(2007\)](#) as amended by section 287 of the Health and Social Care Act (2012) and regulation 3 of the Health Service (Control of Patient Information) Regulations 2002.

Who has access to your personal data?

Authorised staff in Public Health have access to NCMP data, as well as births and deaths data. In addition, authorised staff in Bath and North East Somerset's Business Intelligence Team have access to births and deaths data (the Business Intelligence Team have access to births and deaths data in their roles of analysis, research and disseminating intelligence across the council).

Why do we need to process this personal data?

We analyse personal data for purposes such as needs assessments, health equity audits, commissioning and delivery of services to promote health and prevent ill-health, public health surveillance, identifying inequalities in the way people access services and their outcomes, Joint Strategic Needs Assessment (JSNA), providing public health advice to commissioners in the NHS and local government, and health protection and other partnership activities.

What do we do with this personal data?

In analysing NCMP data and data related to births and deaths authorised staff in B&NES, usually group the individual-level data by variables of interest, such as age, gender, place of residence and cause of death. In carrying out these analyses, rules and guidance on data disclosure laid down by the Office of National Statistics, NHS Digital, Information Commissioner's Office and Public Health England are followed. To protect confidentiality small number disclosure rules and guidance are followed.

How will your personal data be kept?

B&NES Council is required to comply with the Data Protection Act to ensure information is managed securely and this is reviewed every year as part of the NHS Information Governance Toolkit assessment.

NCMP data is downloaded from a password protected NHS Digital website. NCMP data is stored in a secure protected folder, accessible only by authorised Public Health staff.

Births data is received from NHS Digital via a secure NHS.net e-mail. Deaths data is downloaded from a password protected secure NHS Open Exeter portal. Births and deaths data is stored in a secure protected folder, accessible only by authorised staff, who have signed a 'Short Declaration of Use' with NHS Digital.

Will we share your personal data?

Other than sharing among authorised B&NES Council staff, NCMP data will not be shared with any third parties.

Other than sharing among authorised B&NES Council staff, births and deaths data will not be shared with any third parties.

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Can I opt out?

You have the right to opt out of Bath and North East Somerset Council receiving or holding your personal identifiable information contained in the following data sets: NCMP; and births and deaths data.

There are occasions where service providers will have a legal duty to share information, for example, for safeguarding or criminal issues.

The process for opting out will depend on what the specific data are and what it relates to.

For further information please contact the Public Health Team by e-mail [public_health@bathnes.gov.uk], or in writing to: Public Health Department, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG.

Where can I get independent advice?

If you require independent advice on this privacy notice please contact the Information Commissioner's Office [<https://ico.org.uk/>].

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