**Guidance: Coronavirus Vaccination Programme (CVP) Collaboration Agreement**

**Amendable Data Sharing Agreement (Annex 1)**

Until 31 March 2021, the legal basis for sharing patient confidential information in connection with this Collaboration Agreement is the [Coronavirus (COVID-19): notice under regulation 3(4) of the Health Service (Control of Patient Information) Regulations 2002 – issued on 29/07/2020](https://www.gov.uk/government/publications/coronavirus-covid-19-notification-of-data-controllers-to-share-information/coronavirus-covid-19-notice-under-regulation-34-of-the-health-service-control-of-patient-information-regulations-2002-general).

|  |  |  |
| --- | --- | --- |
| 1. **Legal basis for sharing** | | |
| 1.1 | Legal basis for sharing personal data (such as any information relating to an identified or identifiable natural person) | The Data Protection Act 2018 provides in section 8(d) that processing that is necessary for the exercise of statutory functions is a task in the public interest. The COPI notice provides a statutory requirement to share data to assist in managing the pandemic and this covers delivery of vaccination services. This allows the use of GDPR Article 6(1) (e) – Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller. |
| 1.2 | Legal basis for sharing ***special category*** personal data (ie health information) | The Data Protection Act 2018 provides in section 10 (via Schedule 1 part 2) that processing for health or social care for preventative or occupational medicine, medical diagnosis, provision of health care or treatment, provision of social care, and management of health/social care systems and services are suitable tasks for the use of the legal basis of GDPR Article 9(2) (h) – processing is necessary for purposes of  preventative or occupational medicine, medical diagnosis, the provision of health or social care treatment or the management of health or  social care systems and services. The COPI notice provides specific authorisation for the sharing of all relevant health and care data. |

The Data Protection obligations, as referenced in section 9.0 of the collaborating practices are covered in <<insert reference to your existing PCN data sharing agreements/alternative data sharing agreements>>.

**Guidance Note:** The initial legal basis for processing data as part of the Collaboration Agreement is the COPI notice until 31 March 2021 (unless extended). When the COPI notice expires, an alternative legal basis will be required to process data and practices are advised to consult with their DPO or the DPO provided for GP practices to see if they can amend an existing PCN data sharing agreement to accommodate this sharing or if they need to draft a new one with the legal basis for after the COPI notice ends. Either the amended existing PCN data sharing agreement or an alternative data sharing agreement will need to be included in this agreement before the 31 March 2021 (unless the notice is extended) as an amendment to the agreement.

Practices who have signed the Collaboration Agreement will need to check that their practice privacy policy/notice references sharing for Covid-19 purposes, and if it doesn’t, they will need to add a section on this. NHSX have produced an [Example Supplementary Privacy Notice on COVID-19 for Patients/Service Users](https://www.nhsx.nhs.uk/information-governance/guidance/example-supplementary-privacy-note-covid-19-patientsservice-users/) , which could be used. Practices will also need to add the new processing to their Record of Processing Activities (ROPA).