

Privacy Notice for the COVID-Testing Portal

NHS National Services Scotland (NHS NSS) administers the online reporting form called the COVIDTesting Portal in order to create a secure method for individuals to record their COVID-19 test results. This Portal allows you to submit your test results in relation to the following operations:

- A. [Lateral Flow Devices testing](#)
- B. [Polymerase Chain Reaction \(PCR\) testing](#)
- C. [Lateral Flow Device Ordering](#)

This privacy notice provides you with information about how your personal data will be collected and used in connection with COVID-19 testing. It covers the collection and use of your personal data, from accessing this portal and providing your personal data to the test results being recorded. For more detail please see below for the specific information that applies to the covered operations and systems.

A. Lateral Flow Device (LFD) results

Lateral Flow Device (LFD) results are collected primarily to assist in protecting your health and the health of others. They are used to contribute to the wider public health effort including:

- using the information to conduct contact tracing
- providing the results to local Health Protection Teams in Health Boards
- highlighting areas where local NHS incident management teams may need to take urgent action, for example, if one of their healthcare staff tests positive.

Who am I giving my personal data to?

NHS National Services Scotland (NHS NSS) administers the online reporting form called the LFD COVIDTesting Portal in order to create a secure method for individuals to record their LFD results. When you submit your home and/or work administered COVID-19 lateral flow tests using the portal, the data is securely collected and stored within NSS where both NSS and Public Health Scotland (PHS) can access it.

For the below-stated purposes, NHS NSS and PHS are data controllers.

What is the purpose of processing my personal data?

The involved parties process your personal data to perform their public duties in managing the COVID-19 public health outbreak. In particular,

- NHS NSS is the data controller for administering the online portal and the database where the LFD data is stored and for the purposes of contact tracing. If you want to know more about how your data is used in relation to contact tracing, please see [here](#). NSS is also the data controller for any research, reporting and analysis NSS may perform, including analysis of positivity rates, supply chain analytics and geographical-based analysis on uptake.
- PHS is the data controller for performing their statutory functions such as public health monitoring, statistical analysis and health protection.

Further details of these can be found in the main PHS privacy notice:
<https://publichealthscotland.scot/our-privacynotice/organisational-background/>.

What categories of personal data will be collected and processed?

The following personal data will be collected directly from you:

- **Identity Information:** ○ CHI number if known ○ Last name* ○ First name* ○ Date of birth* ○ Sex*
- **Contact Information:** ○ Home address ○ Postcode*
 - Contact telephone number with the separate option to add mobile number in a separate box if landline provided*
 - Contact email address* □ **Health information:**
 - Covid-19 Test Result (select from positive, negative or inconclusive)*
- **Information about the Covid-19 test you have taken** ○ Serial number of test kit* ○ Lot number from the test kit packaging* ○ Date test taken*
 - Time test taken in 24hr format* □ **Other:**
 - Question around whether the person stays at their residential address (yes/no)* ○ Ethnicity (drop-down using standard statistical categories)
 - Question about current working location*
 - Reason for taking the test (choose between healthcare worker, care home visitor, care home – visiting professional, haulier, care home staff, social care, primary care and independent contractors). In some cases, additional information may be needed in relation to your primary working, location and type of the concerned organisations and health board.*
 - Information about working location (required for most staff categories)*

*The items marked with a star are required items and you will not be able to submit the form without completing these sections.

The following personal data will be collected from other sources:

- Community Health Index (CHI) number – where this is not provided by you, NHS NSS may have to carry out CHI matching for your data set for the positive tests based on the information kept by NHS NSS. CHI matching involves matching against the Community Health Index which stores details of all patients registered with GP Practices in Scotland. This is necessary to ensure that your records are accurate and kept updated.

In the event of a positive LFD test, you are encouraged to book a PCR (polymerase chain reaction) test to confirm the results. The organisation running the PCR testing will provide you with information about the processing of your personal data in this case.

Creating an account

You also have the option to register with this portal to submit your LFD test results. This is optional and if you decide to register, you will need to provide information similar to the above requested information, including personal and contact details. Setting up an account helps you log a new test result and update your personal details.

Bulk upload

The Portal allows for the bulk upload of LFD test results in care home settings by authorised individuals. This will be available only for non-registered users. If an LFD positive test result is submitted, contact tracing will start for the tested individual and not the individual who submitted the test result.

What happens if I choose not to provide the personal data requested?

LFD tests are voluntary. Your employer may need to capture information on the number of staff declining to be tested and the reason for this. It may be necessary to report this information to the Scottish Government periodically.

There may be cases where being tested for COVID-19 and being able to prove this may be required by the UK or foreign authorities (e.g. for hauliers).

You should contact your employer and/or the responsible authorities if you want to know more.

If you do not provide the personal data requested, you will not be able to submit the LFD form to the system.

What is the lawful basis for collecting, storing and using my data?

NHS NSS and PHS rely on the following bases to process the personal data:

UK General Data Protection Regulation (GDPR) Article 6(1)(a) ((lawful basis to permit the processing of personal data) where you provide NSS with your consent to register with the LFD COVID-Testing Portal for submitting your LFD test results.

UK General Data Protection Regulation (GDPR) Article 6(1)(e) (lawful basis to permit the processing of personal data) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authorities vested in the data controllers.

UK GDPR Article 9(2)(h) (lawful basis to permit the processing of special category data) processing is necessary for the purposes of preventive or occupational medicine, the provision of health or social care or treatment or the management of health or social care systems and services.

UK GDPR Article 9(2)(i) (lawful basis to permit the processing of special category data) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health.

UK GDPR Article 9(2)(j) (lawful basis to permit the processing of special category data) processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes.

The processing of personal data covered in this policy also adheres to Schedule 1 of the UK Data Protection Act 2018. In particular, the applied conditions under Schedule 1 are:

Condition 2 - Health or social care purposes

Condition 3 - Public health

Condition 4 - Research etc

Condition 6 - Statutory etc and government purposes

How will my personal data be used?

NHS NSS and PHS process your personal data for the below purposes:

- To perform their public duties and functions in supporting the public healthcare system as outlined under the National Health Service (Functions of the Common Services Agency) (Scotland) Order 2008 for NHS NSS (e.g. management services to support the Scottish Government and Health Boards) and the Public Health Scotland Order 2019 for PHS (e.g. public health monitoring and health protection).
- To administer the processing of your LFD results.
- To enable contact tracing.
- To share the test results with Health Protection Teams in local Health Boards for direct care and public health purposes. In the case where NSS is providing LFD test results to the Health Boards, NSS is acting as a data processor on behalf of PHS. Where your personal data is shared with the Health Boards acting as data controllers, they are responsible for ensuring compliance with data protection law.

How will my personal data be shared?

Your personal data will only be shared if it is necessary to do so. Where special categories of personal data are shared, this is subject to suitable and specific measures to safeguard your rights and freedoms. Any organisation that receives the data will be responsible for ensuring the data is handled appropriately, securely and that they at all times comply with data protection law.

NHS NSS and PHS may share your personal data with:

- Your local Health Boards to carry out their public health duties. Health Boards receive LFD data based on the postcodes entered (e.g. residence) and the postcode from the CHI file after matching where the postcodes differ.

PHS provides reports to the Scottish Government and the rest of NHS Scotland on many areas relating to the COVID-19 response. These reports contain anonymous statistical information only and do not contain any details that could identify you.

LFD test results will be notified to hauliers by Test and Protect Scotland.

How long will my personal data be kept?

- The test information processed by NHS Scotland is kept for as long as is required to provide you with direct care and to support NHS Scotland initiatives to fight COVID-19. Information held for direct care purposes is stored in line with the [Scottish Government Health and Social Care Records Management Code of Practice 2020](#). This means such information will be held for 7 years before it is deleted.
- When positive test results are added to your personal medical records, this will be retained on these records for your lifetime.
- The personal data used for creating an account on the LFD COVID-Testing Portal are kept for 1 year upon the opening, maintenance and closure of a user account.

Where is my personal data stored?

Your data will be stored securely on NHS servers within the United Kingdom and safely accessed by authorised parties. We will not share your personal data outside the United Kingdom.

Is my personal data kept private and secure?

Yes, we have legal duties to keep information about you confidential. Strict rules apply to keep your information safe and comply with the Data Protection Act 2018, UK GDPR and organisational Data Protection policies. Appropriate technical and organisational measures are used to keep your data safe, including adherence to the NHS Scotland Information Security Policy framework, PHS/NSS Corporate Information Security Policies, PHS/NSS Information Security Acceptable Use Policy, NHSS Information Security and Cyber Security incident reporting and management processes and information governance training.

What Are My Rights?

Under the UK GDPR and Data Protection Act 2018, you have the following rights:

1. The right to be informed.
2. The right of access.
3. The right to rectification.
4. The right to erasure.
5. The right to restriction of processing.
6. The right to data portability.
7. The right to object.
8. Rights in relation to automated decision-making.
9. The right to lodge a complaint with a supervisory body.

Some of these rights are not absolute and may not apply in all circumstances.

Exercising Your Rights

(1) In relation to personal data processed by NHS NSS

If you have questions, complaints or you would like to make a data subject access request (DSAR) regarding how your personal data is collected and processed by NHS NSS, the contact information you need is noted below.

Website: <https://nhsnss.org/contact-us>

Email Address: nss.dataprotection@nhs.scot

Postal Address: Gyle Square, 1 South Gyle Crescent, Edinburgh, EH12 9EB

Telephone: 0131 275 6000

For more information about your rights and how to invoke them in relation to your test results, visit the website at: <https://nhsnss.org/how-nss-works/data-protection>

(2) In relation to personal data processed by PHS

For details on your rights and how to exercise them for personal data processed by Public Health Scotland, visit: <https://publichealthscotland.scot/our-privacy-notice/your-rights/>

(3) In relation to personal data processed by Health Boards

Your primary point of contact for any questions or concerns you have about how Health Boards process your personal data in relation to the LFD process is your local Health Board. You should direct questions, complaints or data subject access requests (DSARs) to them.

B. Polymerase Chain Reaction (PCR) testing

The purpose of this project is to enable the capture of Asymptomatic Care Home staff testing information within Care Home settings. This portal enables care home staff to submit PCR test results based on the care home ID. It also enables Care Home Managers or Admin to submit the PCR tests through the portal and request for the tests to be picked up and delivered to a regional hub for analysis. They can do so through bulk uploading on the Portal by using a record keeping spreadsheet.

Unless specified otherwise below, the above sections of this Privacy Notice also apply to the data processing for PCR testing purposes.

What categories of personal data will be collected and processed?

The personal data processed for the PCR testing purposes relate to care home staff. The following information will be collected directly from :

- **Identity and demographic information:** ○
CHI number if known ○ Last name* ○ First name*
○ Date of birth* ○ Gender*
- **Contact information:** ○ Country* ○ First Line of Address* ○ Postcode*
○ Email address for Results* ○ Mobile Number for Results □
- **Health information:**
○ Showing Symptoms (Yes/No) *
○ Date of Onset of symptoms (mandatory for symptomatic)
- **Information about the Covid-19 test you have taken** ○ Test Kit URN or Bar Code ○ Date and Time of Swab Taken
- **Other** ○ Currently in Work* ○ Area of Work
○ Occupation ○ Employer

*The items marked with a star are required items and you will not be able to submit the form without completing these sections.

The following personal data will be collected from other sources:

- Community Health Index (CHI) number – where this is not provided by you, NHS NSS may have to carry out CHI matching for your data set for the positive tests based on the information kept by NHS NSS. CHI matching involves matching against the Community Health Index which stores details of all patients registered with GP Practices in Scotland. This is necessary to ensure that your records are accurate and kept updated.

How will my personal data be shared?

Your personal data will only be shared if it is necessary to do so. Where special categories of personal data are shared, this is subject to suitable and specific measures to safeguard your rights and freedoms. Any organisation that receives the data will be responsible for ensuring the data is handled appropriately, securely and that they at all times comply with data protection law.

NHS NSS and PHS may share your personal data with:

- Public health teams: If a positive test result is received.

COVID-19 test results will be sent from lab systems to NSS and you will be notified about your test results. Care homes do not receive any test results from NSS. Nonetheless, where care home staff choose to receive information on their test results from NSS in the care home email address, this information may become available to care homes. If you want to know how the care home you work for uses this personal data for purposes non-covered in this Privacy Notice, please contact your employer.

The Scottish Government may receive anonymous statistical information in relation to PCR.

PCR test results received by regional labs will be sent to the concerned individuals (to the provided contact details) by Test and Protect Scotland.

Contact details of the data controllers:

NHS National Services Scotland Website: https://nhsnss.org/contact-us Email Address: nss.dataprotection@nhs.scot Postal Address: Gyle Square, 1 South Gyle Crescent, Edinburgh, EH12 9EB Telephone: 0131 275 6000	Contact details of the NHS NSS Data Protection Officer (DPO) Email Address: nss.dataprotection@nhs.scot Postal Address: Gyle Square, 1 South Gyle Crescent, Edinburgh, EH12 9EB Telephone: 0131 275 6000
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Public Health Scotland

Contact details for Public Health Scotland can be found at:
<https://publichealthscotland.scot/our-privacy-notice/your-rights/>

To raise a complaint with the Information Commissioner's Office (ICO) as the supervisory body in the UK, contact: **Information Commissioner's Office**

Postal Address: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113

Website: www.ICO.org.uk

Last updated: 14 April 2021

C. Lateral Flow Device Ordering

NHS National Services Scotland (NHS NSS) administers the online portal in order to create a secure method for organisations to order Lateral Flow Device (LFD). This privacy notice covers the ordering details that are collected in order to provide your organisation with Lateral Flow Devices.

What categories of data will be collected and processed?

- **Contact Information:**
 - Organisation address
 - Postcode
 - Contact telephone number
 - Contact email address

What is the lawful basis for collecting, storing and using this data?

NHS NSS rely on the **UK General Data Protection Regulation (GDPR) Article 6(1)(e)** (lawful basis to permit the processing of personal data) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authorities vested in the data controllers.

How will the data be used?

NHS NSS will use the organisational data for the below purposes:

- To perform their public duties and functions in supporting the public healthcare system as outlined under the National Health Service (Functions of the Common Services Agency) (Scotland) Order 2008 for NHS NSS (e.g. management services to support the Scottish Government and Health Boards).
- To administer the ordering process for organisations.

How will the data be shared?

Organisational data will be shared with a delivery partner who responsible for the distributing and delivery of the LFDs. This is done under contract with NHS National Services Scotland.

How long will the data be kept?

Organisational data will be stored in line with the [Scottish Government Health and Social Care Records Management Code of Practice 2020](#) for a period of one year.

Where is the data stored?

The data will be stored securely on NHS servers within the United Kingdom and safely accessed by authorised parties. We will not share this data outside the United Kingdom.

Is the data kept private and secure?

Yes, we have legal duties to keep information confidential. Strict rules apply to keep all information safe and comply with the Data Protection Act 2018, UK GDPR and organisational Data Protection policies. Appropriate technical and organisational measures are used to keep the data safe, including adherence to the NHS Scotland Information Security Policy framework, PHS/NSS Corporate Information Security Policies, PHS/NSS Information Security Acceptable Use Policy, NHSS Information Security and Cyber Security incident reporting and management processes and information governance training.

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Telephone: 0303 123 1113

Website: www.ICO.org.uk

Last updated: 28th April 2022.