

# Merthyr Tydfil County Borough Council PRIVACY NOTICE COVID 19 Employee Contact Tracing

This notice has been written in accordance with the General Data Protection Regulations and relevant legislation.

## Information Governance Team

**Lisa Richards** - Data Protection Officer

**Sam Bishop** - Data Disclosure and Records Officer

**Maria Litchfield** – Data Disclosure and Records Officer

Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN

Data.Protection@merthyr.gov.uk, 01685 725000



Cyngor Bwrdeistref Sirol  
**MERTHYR TUDFUL**  
**MERTHYR TYDFIL**  
County Borough Council

Date Created: 18<sup>th</sup> May 2020  
Responsible Department: Human Resources and Development  
Responsible Manager: Fran Donnelly  
Address: MTCBC, Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN

This privacy notice provides information on how Merthyr Tydfil County Borough Council collects and processes your personal data for tracing and contacting employees who may have come into contact with another employee who received a positive test result of Coronavirus.

Merthyr Tydfil County Borough Council is responsible for deciding how we hold and use personal information we collect. We are required under the data protection legislation to notify you of the information contained in this privacy notice. This notice does not form part of any contract to provide services. We may update this notice at any time if we do, we will ensure that an updated copy of this notice is made available to you as soon as reasonably practical.

It is important that you read this privacy notice together with our Privacy Standards Policy and full privacy notice which contains more detailed information about our data processing and can be accessed on our website.

This notice relates specifically to how we use your personal data when we are tracing the spread of the virus within our own workforce.

Contact tracing is part of the process of supporting people with suspected or confirmed COVID-19. We will only contact trace on notification of a positive test result. To do this we will be monitoring employee movements within our buildings and identifying who else they may have come into contact with in order to limit the spread of the virus.

The Welsh Government has issued guidance titled *Test, Trace, Protect*, which provides information relating to how contact tracing can help stop the spread of the virus and as such keep us safe. Please read this guidance if you would like to know more about contact tracing.

We will be using a number of methods to assist us in this process which will be discussed in more detail in section 3 of this notice.

## 1. IMPORTANT INFORMATION AND WHO WE ARE

Merthyr Tydfil County Borough Council is the controller and responsible for your personal data. The Council is made up of different departments, details of which can be found on our website. When we mention the department, we are referring to the Human Resources who is responsible for processing your data for the services detailed in this privacy notice.

This notice applies to Council employees which includes those employees who have received a positive test result and the employees who they have been in contact with.

Merthyr Tydfil County Borough Council has appointed a Data Protection Officer who can be contacted using the following details:

Mrs. Lisa Richards (Data Protection Officer)

Address: Information Governance Team, Merthyr Tydfil County Borough Council, Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN

Email: [data.protection@merthyr.gov.uk](mailto:data.protection@merthyr.gov.uk)

Tel: 01685 725000

## 2. THE DATA WE COLLECT ABOUT YOU

We may collect, use, store and transfer different kinds of personal data about you as follows:

- Personal descriptors which will include your full name, contact details such as your address, telephone number and email address, date of birth, gender and CCTV recordings.
- Identification numbers which includes your payroll number and potentially your flexi card number.
- Your employment data including your job title, what team you are in, whether you work in the community.
- For those staff testing positive we will also collect geospatial data. This relates to monitoring your movements, which is also known as location data.

There are special categories of more sensitive personal data which require a higher level of protection. We collect, store and use the following special categories of personal information about you and your family:

- Ethnicity data which will include your ethnic origin and race.
- Medical data, which will include whether you have a positive test result or if you are experiencing symptoms and are self isolating.

We explain the different methods used to collect this data about you in section 3 of this privacy notice.

### **3. HOW WE USE YOUR PERSONAL DATA**

If you test positive for Coronavirus then you will need to stay at home. You should notify your line manager of your positive result as soon as possible. Your manager will complete a special leave form relating specifically to the Coronavirus and submit it to Human Resources for retention.

You will also be asked to complete a contact tracing form which will ask you to identify other members of staff you have had contact with during the incubation period (previous 14 days). You will have 24 hours to complete this form. If you fail to return the form within 24 hours you may face disciplinary action.

We will only use your personal data where the data protection legislation allows us to. These will include the provisions set out under the General Data Protection Regulations and where relevant the Data Protection Act 2018. We will use your personal information in the following circumstances:

In accordance with Article 6(1)(b) we may process your personal data in accordance with your contract of employment. If you are unable to attend work as you are self isolating or if you have tested positive for Coronavirus then the Council will process you

In accordance with Article 6(c), which relates to a legal obligation. In order to respond to the COVID-19 Pandemic there are a number of legal requirements imposed on the Council to facilitate our response. We have a duty under the Health and Safety at Work etc. Act 1974 and the Health and Safety Executives Guidance titled, *Working Safely Under the Coronavirus Outbreak*, the Council is required to ensure the workplace is safe for our employees. If you have tested positive, we will track your movements through the organisation during the virus incubation period. which will be 14 days before the positive test result. This will enable the Council to thoroughly clean those areas.

To contact trace we will process your personal data in accordance with Article 6(1)(d) which relates to vital interests. This Article and Recital 46 of the GDPR allows us to use your personal data for humanitarian purposes, which includes preventing the spread of the virus.

We may also process your personal data where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

### **4. HOW WE SHARE YOUR PERSONAL DATA**

We may share your personal data with the managers of the service areas whom you have had contact with, to prevent the spread of the virus. We will also share your data internally across other Departments which include:

Human Resources

Coronavirus Response Working Group which is made up of a number of employees

Corporate Management Team

The Manager of any other service area which you have identified as being in contact with.

If you have tested positive we will only share your personal data internally where the law allows and the sharing relates to stopping the spread of the virus.

We may also share your data if we have official authority which enables us to lawfully share the data.

We will not transfer your data to any countries outside of the European Economic Area. If we do we will inform you as soon as possible and you can expect a similar degree of protection in respect of your personal information.

## **5. HOW LONG WILL WE USE YOUR INFORMATION**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. The personal information collected in accordance with the processing detailed in this notice will be retained in accordance with the Working Time Regulations 1998, which is between 6-25 years.

We will only retain the contact tracing data for six months after the pandemic. After that it will be anonymised.

Details of retention periods for different aspects of your personal information are available in our Records Management Policy which is available on our website ([www.merthyr.gov.uk](http://www.merthyr.gov.uk)).

## **6. HOW WILL WE KEEP YOUR INFORMATION SECURE**

We have implemented appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **7. YOUR LEGAL RIGHTS**

Under certain circumstances, you have rights under data protection laws in relation to your personal data including the right to receive a copy of the personal data we hold about you these rights are detailed in the full privacy notice. You also have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues:

Address: Information Commissioner's Office (Wales), 2<sup>nd</sup> Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Tel: 0330 414 6421

## **8. FURTHER DETAILS**

If you are looking for more information on how we process your personal data including data security, data retention, individual rights please access our full privacy policy. You can also obtain information directly from Information Commissioners Office website, [www.ico.org.uk](http://www.ico.org.uk).