Dear Parent,

GDPR and Test, Trace and Protect

Personal data processed under the NHS Test, Trace and Protect Strategy, which includes the gathering, recording and sharing, of personal data, is taken in line with data protection legislation.

This provides a number of lawful basis to be relied upon for such processing to be considered lawful. The processing is done on the basis of GDPR Article 6 (e) as it is needed to perform a public task.

Where information relating to health conditions is used then GDPR Article 9 (2) (h) Provision of preventative or occupational medicine, health or social care or treatment, or the management of health or social care systems and GDPR Article 9 (2) (i) Public Health are relied upon.

Some of the legislation which supports reliance on the above GDPR articles are:
- Public Health (Control of Disease) Act 1984
- The Health Service (Control of Patient Information) Regulations 2002
- The Health Protection (Local Authority Powers) (Wales) Regulations 2010
- Coronavirus Act 2020
- The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020

Where the use of personal data is in the deliverance of public tasks carried out in the delivery of services and duties in the public interest, consent is considered to be the least appropriate lawful basis to be relied upon.

Therefore, the setting must provide the details of children irrespective of whether the parent has advised the setting that the information cannot be shared outside of the Cylch, or has advised explicitly that it cannot be shared with the TTP scheme. As a Cylch Meithrin, we would be committing a criminal offence if we refused to provide the information when asked for it. Written consent is not required for this.

The Information Commissioner has produced some guidance for individuals in respect of consent https://ico.org.uk/your-data-matters/does-an-organisation-need-my-consent/

If you have any queries about this, please do not hesitate to contact us.

Kind regards

Cylch Meithrin Y Felinheli Committee