

Protecting Cardiff and Vale University Health Board Employees Against Winter Respiratory Viruses (from Autumn / Winter 2022/23)

Introduction

Cardiff and Vale University Health Board (hereon in referred to as the Health Board) ensures all its employees, as well as those working on our sites not employed by the Health Board (for example students), are offered appropriate vaccination against a range of infectious diseases, including protection against winter respiratory viruses such as influenza and Covid-19.

To understand the progress and success of the winter respiratory vaccination programme, we will monitor uptake by Clinical Board, department and by ESR staff group. This will ensure as a Health Board we are doing everything we can to protect our staff and patients from vaccine-preventable respiratory viruses. Where there are areas with lower than expected vaccination uptake, we can provide support to staff to access their vaccinations if they choose to receive them.

How will we get data on staff vaccination status?

All staff influenza and Covid-19 vaccination information is inputted into the Welsh Immunisation System (WIS). This is a national database developed by Digital Health and Care Wales (DHCW) in response to the Covid-19 pandemic and the mass vaccination programme. Its use has been extended to also record information about influenza vaccinations. The WIS does not record specific information about a Health Board employee's host Clinical Board, department and staff group. Therefore, to allow us to monitor vaccination uptake amongst employees, data on your influenza and Covid-19 vaccinations within the WIS is matched to your ESR record (for Covid-19 vaccination) and to the Occupational Health database (for influenza vaccinations) which both contain the required information about your Clinical Board, department and staff group. The matching process is necessary to link your WIS vaccination record with your ESR / occupational health record. Once matching is complete, reports can be prepared on uptake by Clinical Board, department and staff group. Reports are aggregated and anonymised so no individual is identifiable through this reporting process. DHCW will provide data from the WIS to the Health Board about the influenza and Covid-19 vaccinations received by CVUHB staff members.

Your individual Covid 19 vaccination status will remain in the WIS system and not enter the occupational health system and is therefore not accessible to occupational health staff. Your individual influenza vaccination status will be transferred to the occupational health database from the WIS system as it is the responsibility of the Health Board's occupational team to offer all staff an influenza vaccination in line with Welsh Government policy. Influenza vaccination is therefore included in a staff member's vaccination history alongside their other vaccinations required for occupational purposes.

If an NHS employee obtains an influenza vaccination from the Health Board but is not employed by the Health Board, recording the influenza vaccine given in the occupational health database enables the occupational health department to cross-charge other NHS organisations and report uptake to them. This is only possible when the influenza vaccination is recorded on the occupational health system.

For staff who receive their influenza or Covid-19 vaccination(s) from a Health Board area other than Cardiff and Vale University Health Board or for staff who decline a vaccination, there is a self-certification process available at [Flu vaccine and COVID-19 autumn booster - Cardiff and Vale University Health Board \(nhs.wales\)](#). This process is not mandatory but once notified, will be recorded in the occupational health database accordingly.

Are we allowed to do this?

Vaccination is not mandatory; however, it is important as a Health Board we understand where uptake of vaccinations is low and where we might want to support staff to obtain a vaccination in order to protect, patients, staff and families. The Joint Committee for Vaccination and Immunisation and Welsh

Government provide recommendations on who should receive a vaccination based on an assessment of benefit and risk. Healthcare staff are prioritised for winter respiratory vaccinations and the occupational health team are responsible for ensuring staff are offered and can access these vaccinations. Monitoring uptake of vaccinations therefore helps the occupational health team understand where uptake is low and where we can provide additional support to increase uptake.

Health and safety legislation and guidance does not require information about individual vaccination status to be made available to employers about all staff, however there are exceptions for some work locations and roles, which are defined in law.

The way in which we will match data with employer records and report on vaccination uptake is supported by data protection laws. As such, we will use the data based on the 'legitimate interests' of the Health Board, which means we have [tested](#) whether our proposed approach is legitimate, necessary and that it balances "against the individual's interests, rights and freedoms". Based on this test, we have decided to set limits to how the data will be used in the form of protections.

How will we protect your personal information?

We will put in place the following protections:

- Your individual vaccination status data will only be used to generate summary reports (e.g. by Clinical Board, department or staff group) which are anonymised.
- Summary reports will not report data where there are low numbers. A typical minimum number for anonymous reporting is 6 i.e. where the number is 5 or less, either no figure is given or the number is reported as 5.
- Summary reports will also consider the total numbers of people in a category so that where there are low numbers who are not vaccinated, reporting will be adjusted to accommodate this.
- The Covid-19 vaccination status of any given individual member of staff will not be available to occupational health staff. The data is available for anonymised reporting purposes only.
- As an occupational health responsibility, influenza vaccination status will be available in the occupational health database as an individual record.
- We will not use data on vaccination status to make decisions about individual workers, either directly or indirectly.

In addition, there are legal protections that will relate to the data:-

- It is a potential **offence** under [Section 171](#) of the Data Protection Act 2018 for anyone to try to get around measures intended to ensure the anonymity of data. Data that is anonymous must stay anonymous.
- It is a potential **offence** under [Section 170](#) of the Data Protection Act 2018 for anyone to access data outside of the limits and controls that apply to it.
- Uses of the data contrary to what is described here may be breaches of the Data Protection Act and must be dealt with promptly. In some cases, they may need to be reported to the Information Commissioner under the statutory breach notification requirements.

What rights do you have over how we use your data?

The GDPR gives a series of rights to people which relate to their personal data. There are specific rules depending upon how data is gathered. The following table describes the ways in which you can exercise your rights over your personal data. The table has been prepared on the basis of the 'legitimate interests' of the Health Board.

GDPR Right	Citizen	Applies?	Notes
The right to access data	to	Yes	You have a right to see your personal data.

The right to erasure	Yes	You have a right to request your data is erased. Each request will be considered individually using the ICO guidance at Right to erasure ICO
The right to correct inaccuracies	Yes	You may request amendments to incorrect information. Each request will be considered individually using the ICO guidance at Right to rectification ICO
The right to restrict processing	Yes	You have a right to request information is not processed even when it cannot be erased. Each request will be considered individually using the ICO guidance at Right to restrict processing ICO .
The right to object to processing	Yes	We do not use any automated decision-making processes. For other objections, each request will be considered individually using the ICO guidance at Right to object ICO .
The right to data portability	No	This right does not apply to because you do not provide the data that we are processing. This is in line with ICO guidance at Right to data portability ICO . However, where exercising rights to access data, we can provide data to you in an electronic format.

Additional rights include:

- The right to be informed about the regulator to whom complaints can be made (see below);
- The right to be informed about any transfers of data overseas: no data gathered from you will leave the United Kingdom;
- The right to be informed of how long data will be kept: your data will be kept in line with your staff records.

How do you ask a question about your rights over your data or complain about how your rights have been handled?

Please contact us if you wish to apply any of the rights set out above or if you wish to discuss any issues relating to personal data used to support our monitoring of vaccine uptake amongst UHB employees.

You may contact us using the following details:

Cardiff and Vale University Health Board
Information Governance Department
Woodland House
Maes-y-Coed Road
Cardiff
CF14 4TT

Uhb.Dpo@wales.nhs.uk

We will respond to your request within a month to explain what we intend to do.

How do I contact the regulator?

If you remain unhappy with the way we have processed your personal data, you may also wish to contact the national regulator.

You can also find out more about your personal data rights by going to the Information Commissioner's Office (ICO) website at <https://ico.org.uk/your-data-matters/>.

For further independent advice about data protection, and your personal data rights, you can contact:

Information Commissioner's Office – Wales
2nd Floor, Churchill House
Churchill Way
Cardiff
CF10 2HH

Tel: 02920 678400 Fax: 02920 678399

E-mail: Wales@ico.gov.uk

Web: <https://ico.org.uk/>

In addition, if you remain unhappy, you may request a Court to assert your rights.