All organisations and groups involved in this important work will need to make sure that they are processing personal information lawfully, securely, and with due regard to the confidentiality of those individuals who may be affected. Your groups can process health data as long as they have a good reason for doing so. Their focus should be on making sure their use of the data is actually necessary and relevant for their stated purpose, and that they don’t collect or share irrelevant or excessive data about individuals.

It’s also important to take into account the risks to the wider public which may be caused by failing to share information, and take a proportionate and sensible approach. Data protection will not prevent sensible actions to protect the public.

As you know, in order to be lawful when processing personal data you must be able to identify a suitable lawful base from GDPR. Not-for-profit bodies processing personal data to identify and support at-risk individuals in the community can generally rely on legitimate interests as their lawful basis under Article 6. Because the data you are likely to need to use will include health information, you will also need to satisfy a condition for processing in Article 9 of GDPR. The relevant Article 9 condition during the pandemic emergency is likely to be substantial public interest (Article 9(2)(g)), on the basis of safeguarding individuals at risk (DPA Schedule 1 condition 18).

The Vital Interests lawful base may also be relevant to your support workers should they be put in an emergency situation. This lawful base is not appropriate for general co-ordinating of support services, but is useful in emergency situations where swift action must be taken to protect someone’s life, and that person is in no condition to give consent. For example if one of the residents you visit has collapsed. I often think of this as the ‘emergency services’ clause – it enables you to share such information as necessary in an emergency to get someone the immediate assistance they require.

As soon as possible a privacy notice leaflet for the scheme should be produced, but the law allows for this information to be given verbally, so perhaps in the short term the members of the group can briefly explain to those they are supporting how their information will be used and whether it will be shared?

We hope to have some specific guidance for community and third sector support groups on our website within a few days.