



On Behalf of Vaccination UK.

Dear Colleague,

Advice on the UK Data Protection Legislation and vaccinations in Primary and Secondary schools

This letter provides advice for secondary schools on the UK Data Protection Legislation which includes the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018) and the use and sharing of young people's personal information to support the national vaccination programmes.

The key message is that **no change** is needed to the current ways in which young people's personal information is used and shared by schools for the purpose of vaccination for this to be lawful under the UK GDPR and the DPA 2018.

A more detailed explanation is provided below.

About the Data Protection Legislation

The General Data Protection Regulation (EU) 2016/679 (GDPR) became law on 25 May 2018 along with the DPA 2018. It updated and strengthened the ways in which personal information is protected¹. Following the withdrawal of the UK from the European Union and the subsequent transition period, the GDPR was absorbed into UK law to become the UK GDPR sitting alongside and tailoring the DPA 2018 and can be seen as an evolution in data protection legislation rather than a revolution.

All processing of personal information – meaning all aspects of the collection, use and sharing of personal information about identifiable individuals – must have a lawful basis as defined by the UK GDPR to remain lawful under the DPA 2018.

Data Protection Legislation and vaccinations

The Secretary of State for Health & Social Care is required by the Health & Social Care Act 2012 to take steps to protect the public from disease, including by providing vaccination services. This specific responsibility is fulfilled by NHS England, which works with Local Authorities to vaccinate children and young people in schools.

¹ For further information on the UK GDPR can be found on the Information Commissioner's Office website: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-UK-GDPR>

This legal duty means that the lawful basis for using and sharing young people's personal information for vaccinations is provided by the UK GDPR Articles covering the exercise of official authority², provision of healthcare³ and public interest in the area of public health⁴.

Consent is not the lawful basis under the UK GDPR for processing children's personal information for the purpose of vaccinations.

Agreement to be vaccinated

The legal duty to provide vaccinations means that schools do not have to obtain the prior consent of children or their parents or guardians to lawfully share personal information from school rolls with school aged immunisation services for this purpose.

However, guidance from the UK Health Security Agency (UKHSA)⁵ on the administration of vaccines states that the agreement either of parents, persons with parental responsibility or a young person considered by a healthcare professional to be competent to give or withhold their agreement (known as 'Gillick-competent') must still be obtained before a vaccine is administered. This agreement can be given verbally or in writing.

No change is required from previous years to the way in which this agreement is obtained. Schools should continue to work with the school aged immunisation service providing vaccinations, and follow the guidance published by UKHSA.

Vaccination information for young people

A range of promotional materials explaining vaccination to young people have been published by UKHSA^{6,7}.

Summary

No change is needed to the current ways in which young people's personal information is used and shared by schools with school nursing services for the purpose of providing vaccinations for this to be lawful under the UK Data Protection Legislation.

The lawful basis under the UK GDPR for children's personal information to be used and shared for vaccination is not provided by consent – it is provided by the UK GDPR Articles

² UK GDPR Article 6(1)(e) - processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority

³ UK GDPR Article 9(2)(h) - processing is necessary for medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems

⁴ UK GDPR Article 9(2)(i) - processing is necessary for reasons of public interest in the area of public health

⁵ <https://www.gov.uk/government/collections/immunisation>

⁶ <https://www.gov.uk/government/publications/immunisations-for-young-people>

⁷ <https://www.gov.uk/government/publications/immunisations-resources-for-schools>

covering the exercise of official authority, provision of healthcare and public interest in the area of public health.

However, the agreement either of parents, persons with parental responsibility or a Gillick-competent young person must still be obtained before any vaccine is administered.

Further information

Any questions regarding this advice can be directed to england.phadmin@nhs.net

Yours faithfully,