

Dear Colleague,

Advice on the General Data Protection Regulation and vaccinations in secondary schools

This letter provides advice for secondary schools on the General Data Protection Regulation (GDPR) 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 providing vaccinations for this to be lawful under the GDPR.

A more detailed explanation is provided below.

About the General Data Protection Regulation (GDPR)

The GDPR became UK law on 25 May 2018. It updates and strengthens the ways in which personal information is protected¹. The GDPR is 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 individuals² – must have a lawful basis under the GDPR.

GDPR 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. This includes providing vaccination services. This specific responsibility is fulfilled by NHS England, which works with Local Authorities to vaccinate children and young people in schools.

This legal duty means that the lawful basis for using and sharing young people's personal information for the purpose of vaccination is provided by the GDPR Articles covering the

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

² See <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/key-definitions/>

exercise of official authority³, provision of healthcare⁴, and public interest in the area of public health⁵.

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

Agreement to be vaccinated

The legal duty to provide vaccinations means 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 nursing services for this purpose.

However, guidance from Public Health England 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 administered⁶. 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 nursing service providing vaccinations, and follow the guidance published by Public Health England.

Vaccination information for young people

A range of promotional materials explaining vaccination to young people have been published by Public Health England^{7,8}.

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 vaccination for this to be lawful under the GDPR.

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

³ 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

⁴ 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

⁵ GDPR Article 9(2)(i) - processing is necessary for reasons of public interest in the area of public health

⁶ See <https://www.gov.uk/government/collections/immunisation>


⁷ See <https://www.gov.uk/government/publications/immunisations-for-young-people>

⁸ See <https://www.gov.uk/government/publications/immunisations-resources-for-schools>

Further information

Any questions regarding this advice can be directed to gemma.mann@phe.gov.uk.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Andrew Furber".

Dr Andrew Furber
Centre Director, PHE Yorkshire and Humber