

[Address]  
Email: [ ]

**Dated : (Today's Date)**

For the attention of: (Name of Person requesting details)  
*Address here of person requesting these details)*

Dear (Name of person requesting your Covid Status)

**Subject: Your request for Special Category Data under UK General Data Protection Regulation (UK GDPR) in association with Data Protection Act 2018.**

Further to your recent 'demand' made on (Enter date this request was made) in which you demand that I provide you with evidence of my **private and confidential** medical data concerning my Covid Vaccination Status which comes under "**Special Category Data**" under the **GDPR Regulations and Laws**, I wish to inform you of the following information.

"Special Category Data" is personal data that needs more protection because it is extremely sensitive information. The information you are demanding concerns my personal health and medical records which is personal sensitive information and therefore comes under the category of 'Special category data'. This type of data has strict laws and rules protecting the data supplier (myself). The rules for special category data state you must always ensure that your processing is generally lawful, fair and transparent and complies with all the other principles and requirements of the UK GDPR. To ensure that your processing is lawful you need to identify an Article 6 basis for processing. In addition, you can only process special category data if you can meet one of the specific conditions in Article 9 of the UK GDPR. The purposes of your request needs to meet one of the specific conditions in Article 9 of the UK GDPR. In order to lawfully request and process "special category data", you must identify both a lawful basis under **Article 6 of the UK GDPR Regulations** and a separate condition for processing under **Article 9 in law**.

There are five conditions for processing 'Special Category Data' which are provided solely in Article 9 of the UK GDPR. The other five require authorisation or a basis in UK law, which means you need to meet additional conditions set out in the DPA 2018. You must carry out a DPIA for any type of processing that is likely to be high risk of which this is.

The conditions pertaining to Article 9 lists conditions for processing special category data these include:

- (a) Explicit consent
- (b) Employment, social security and social protection (if authorised by law)
- (c) Vital interests
- (d) Not-for-profit bodies
- (e) Made public by the data subject
- (f) Legal claims or judicial acts
- (g) Reasons of substantial public interest (with a basis in law)
- (h) Health or social care (with a basis in law)
- (i) Public health (with a basis in law)
- (j) Archiving, research and statistics (with a basis in law)

If you are relying on conditions (b), (h), (i) or (j), you also need to meet the associated condition in UK law, set out in Part 1 of Schedule 1 of the Data Protection Act 2018.

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You are requesting 'special category data' based on my health data. The UK GDPR defines health data in Article 4(15) as:

***“Data concerning health; means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his/her health status”***

Health data can be about an individual's past, current or future health status. It not only covers specific details of medical conditions, tests or treatment, but includes any related data which reveals anything about the state of someone;s current or past health, in this instance you are demanding private health information regarding my current vaccination status. There are ten conditions for processing “special category data” in Article 9 of the UK GDPR. Five of these require you to meet additional conditions and safeguards set out in UK Law in Section 1 of the Data Protection Act 2018. You are required to complete a data protection impact assessment (DPIA) for any type of processing which is of high confidential risk.

Further to your request whilst you are obliged to follow set laws and rules, I am also at liberty as per my lawful rights under Article 21 Right to object under the Data protection act to undertake the following.

**Article 21 – Right to object**

1. The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him/her which is based on point (e) or (f) of Article 6(1), including profiling based on those provisions. The controller (you) shall no longer process the personal data unless the controller (you) demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject (myself) or for the establishment, exercise or defence of legal claims.
2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him/her for such marketing, which includes profiling to the extent that it is related to such direct marketing.
3. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.
4. At the latest at the time of the first communication with the data subject, the right referred to in paragraphs 1 and 2 shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information.
5. In the context of the use of information society services, the data subject may exercise his/her right to object by automated means using technical specifications notwithstanding domestic law made before IP completion, day implementing Directive 2002/58/EC of the European Parliament and of the Council of 12<sup>th</sup> July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector. the processing of personal data and the protection of privacy in the electronic communications sector.
6. Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89(1), the data subject, on grounds relating to his/her particular situation, shall have the right to object to processing of personal data concerning him/her, unless the processing is necessary for the performance of a task carried out for reasons for public interest.

I have the legal right to obtain from you confirmation as to the reasons you are requesting this private health information and detailed explanation as to how you intend to use my personal data and how it is intended to be processed and used in the capacity of my current employment with your company. I require the following information:

1. The purposes of the processing to ensure that this processing and access to my personal information will not be used to disadvantage, prejudice or discriminate against my disability in the workplace.
  2. The reason for requesting this category of information being requested I.e my vaccination status.
  3. The recipients or categories of recipient to whom the personal data has or will be disclosed, in particular organisations that will use this private data for their own purposes.
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4. Where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
5. The existence of the right to request from you rectification or erasure of personal data or restriction of processing of my personal data.
6. The right to lodge a complaint with a supervisory authority and take legal action for using such data as to directly or indirectly disadvantage me in the workplace.
7. Where personal data are not collected from myself directly, all information obtained as to their source must be disclosed. .
8. The existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and at least in those cases, meaningful information about the logic involved as well as the significance and the envisaged consequences of such processing of my information.
9. Where personal data is transferred to any other individual or organisation, I have the legal right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer and take appropriate retribution for misuse of my personal data.
10. You shall provide a copy of the personal data undergoing process together with the rules protecting my data.

In Conclusion:

Your demand for my 'special category data' relating to my health (vaccination status) has been made based on very minimal information provided to me by you as to your intentions and use of such personal data. As you are no doubt aware I am not formally or legally obliged to allow you access to my private and confidential special category data and in accordance with my rights under GDPR legislation I am entitled to be furnished with full details as to the reasons and intentions you are demanding such private health data and the purpose and use of my data.

I look forward to receiving your explanation for your demand of my private health data (Special Category Data) in accordance with the legislation governing the Data Protection Act and GDPR legislation.

Yours faithfully,

(Your Name)

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