Mae Brechu yn achub bywydau
Vaccination saves lives

Nyrsio Ysgol | School Nursing
BIP Caerdydd a'r Fro | Cardiff & Vale UHB

Medi 2025

Helpwch i gadw'ch plentyn yn iach y gaeaf hwn – gwnewch yn siŵr ei fod yn cael ei frechlyn ffliw.

Annwyl riant neu warcheidwad,

Bydd y Tîm Imiwneiddio Nyrys Ysgol yn ymweld â ysgol eich plentyn cyn bo hir. Mae'n bwysig iawn amddiffyn eich plentyn rhag y ffliw y gaeaf hwn er mwyn sicrhau ei fod yn aros mor iach â phosibl.

Cliciwch isod i lenwi a dychwelyd y ffurflen gydsynio cyn gynted a sy'n bosibl ac o leiaf 5 diwrnod cyn y sesiwn ffliw yn yr ysgol.

https://forms.office.com/Pages/ResponsePage.aspx?id=uChWuyjjgkCoVkM8ntyProwc0tRo7SIFodPDo7y1M5RUQ1BFV0hZQkcwV0c4UzNWQjMzS01SVFI1Ri4u

2025/26 School Flu Vaccination Consent Form (Reception to Year 11)

Gellir dod o hyd i ragor o wybodaeth a dyddiadau ysgol ar y wefan isod:

Flu vaccine in schools: information for parents - Cardiff and Vale University Health Board

Mae'r GIG yn argymell bod eich plentyn yn cael brechiad rhag y ffliw bob blwyddyn.

Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg. Byddwn yn ateb gohebiaeth yn Gymraeg heb oedi.

Yr eiddoch yn gywir,

Tîm Imiwneiddio Nyrsys Ysgol
Canolfan Iechyd Glan yr Afon
E-bost: Immunisation.CavuhbSchoolNursing@wales.nhs.uk
Ffôn: 02920 907661/664

Ar ôl i chi ddychwelyd y ffurflen gydsynio, cysylltwch â'r Tim Imiwneiddo Nyrsys Ysgol ar 02920 907661/664 cyn y sesiwn frechu os:

- **oes newidiadau i iechyd eich plentyn, neu**
- **os yw meddyginiaeth asthma eich plentyn wedi cael ei gynyddu, neu**
- **os yw eich plentyn yn cael presgripsiwn am steroidau a gymerir drwy'r geg, neu**
- **os yw brest eich plentyn yn mynd yn wichlyd.**

Mae Brechu yn achub bywydau
Vaccination saves lives

Nyrsio Ysgol | School Nursing
BIP Caerdydd a'r Fro | Cardiff & Vale UHB

September 2025

Help keep your child well this winter – make sure they have their flu vaccine.

Dear parent or guardian,

The School Nursing Team will visit your child's school soon. It's very important to protect your child from flu, to make sure they stay as healthy as possible.

Click here to fill in and return the online consent form as soon as possible and at least 5 days before the flu school session.

https://forms.office.com/Pages/ResponsePage.aspx?id=uChWuyjjgkCoVkM8ntyProwc0tRo7SIFodPDo7y1M5RUQ1BFV0hZQkcwV0c4UzNWQjMzS01SVFI1Ri4u

2025/26 School Flu Vaccination Consent Form (Reception to Year 11)

Further information and school dates can be found on the website below:

Flu vaccine in schools: information for parents - Cardiff and Vale University Health Board

NHS recommends that your child has a flu vaccination every year.

We welcome correspondence and phone calls in Welsh. We will respond to correspondence in Welsh without delay.

Yours faithfully,

School Nursing Immunisation Team
Riverside Health Centre
Email: Immunisation.CavuhbSchoolNursing@wales.nhs.uk
Tel: 02920 907661/664

After you have returned the consent form, please contact the School Nursing Immunisation Team on 02920 907661/664 before the vaccination session if:

- **there are any changes to your child's health, or**
- **their asthma medication is increased, or**
- **they are prescribed oral steroids, or**
- **they become wheezy.**

Llywodraeth Cymru
Welsh Government

Supporting the administration and management of childhood vaccination programmes delivered in schools

This document provides information and guidance to advise headteachers and school staff on action to support school nursing teams in the provision of vaccination services to school-aged children.

The list of vaccinations given in schools can be found here.

Introduction

The United Nations Convention on the Rights of the Child | OHCHR recognises a child's right to the enjoyment of the highest attainable standard of health.[1] Vaccination is one of the most important things we can do to promote good health and protect children and young people against illness. Vaccines help immune systems build resistance to specific infections, leading to reduced incidence and milder symptoms of disease, and less school time missed by children. Achieving high levels of immunity also protects families and the community by limiting the spread of viruses like flu and other preventable diseases in schools and other settings.

There is evidence to suggest that being fully vaccinated provides a degree of social mobility, as poverty and the associated ill-health and mortality from infectious diseases are no longer the determinants of one's life chances. Studies indicate vaccinated children are in better health and perform better at school[2], with those immunised having the potential for improved life-expectancy[3].

UNICEF, the UN organisation tasked with protecting the rights of children globally is clear that more needs to be done to ensure children have access to the benefits of vaccination.[4]

Vaccination equity is at the core of Wales's vaccination approach. Schools-based vaccination programmes allow everyone fair access and opportunity to take up the offer of vaccination, helping to level the playing field for disadvantaged groups.

The role of School Nursing teams

School nursing services deliver the school-based vaccination programmes to all pupils in line with the school nursing framework for Wales and immunisation

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[1] Art 24 - States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. Also Art 3 – Best interests of the child and Art 6 – Life, survival and development
[2] Nandi A, Shet A. (2020) Why vaccines matter: understanding the broader health, economic, and child development benefits of routine vaccination. *Human Vaccines & Immunotherapeutics*, *16*(8), 1900–1904.
[3] Andre et al. (2008). Vaccination greatly reduces disease, disability, death and inequity worldwide. Bull. World Health Organ. 86, 140–146.
[4] Vaccines to keep children safe - UNICEF UK

standards[5]. To effectively deliver the range of school-based vaccination programmes throughout the academic year, they need to:

- Assess the immunisation status of every pupil at entry to primary and secondary school and offer information about how to obtain any outstanding vaccines.
- Arrange visits for nasal flu vaccination sessions, offered to all eligible pupils from reception to year 11 during the autumn school term.
- Arrange visits for targeted vaccination sessions for all children in years 8 and 9.
- Arrange catch up sessions for pupils who may have missed their scheduled vaccination when first offered.
- Once a date for vaccination sessions has been agreed, provide the school with information on the requirements for the session and any support needed.
- Arrange for a consent form and information pack to be sent to parents and carers ahead of any vaccination sessions.
- Where consent forms have not been returned, contact parents/carers or the pupil to discuss providing consent on the day.
- Ensure the school has access to up-to-date vaccination information prior to the vaccination session.
- Provide feedback to the school on the uptake of vaccination sessions.

School Nursing teams aim to keep disruption to a minimum and will only ask schools to do the things that vaccinators cannot do themselves.

Occasionally, School Nursing teams encounter issues with accessing data or contact details for primary and secondary school students or their parents, for the purposes of obtaining consent and/or administering school aged vaccinations.

The role of schools

Schools are therefore asked to:

- work with School Nursing teams to agree the best approach for implementing and promoting vaccination programmes in schools.
- nominate a named contact with whom School Nursing teams can liaise and have in attendance on the day, to support the smooth running of vaccination sessions
- agree a date(s) for the vaccination session/s.
- work with School Nursing teams to create a timetable for each class to attend their session.
- provide an appropriate environment and space such as the school hall, for the vaccination sessions to be carried out safely and effectively.
- provide class lists with contact details to School Nursing teams and, where appropriate, for the purposes of obtaining consent or to facilitate a call between the healthcare professional and the parent.
- allow School Nursing teams permission to undertake an assessment of “Gillick” competency for young people, to be able to provide consent for themselves.

[5] https://www.gov.wales/sites/default/files/publications/2019-03/a-school-nursing-framework-for-wales-may-2017.pdf

It would also be helpful if schools were to communicate with children, young people, parents and carers to support consent and uptake, including promoting and sharing information on the vaccination programmes on the school website, social media and through teacher/parent communication channels. Schools are asked to encourage parents, carers or staff, who may be concerned or require additional guidance, to speak to their school nurse, immunisation team or GP practice.

Parents, carers or a person with parental responsibility should be asked by schools to complete consent forms with a clear Yes or No response, and return forms promptly, highlighting that if the consent deadline is missed, School Nursing or vaccination teams may not have enough vaccines for everyone who would like one on the day.

Legislation and guidance are in place to support the administration of vaccination programmes in Wales and to facilitate the sharing of pupil information for the purposes of vaccinations for school aged children.

Statutory duties and delegations

- Section 1 of the National Health Service (Wales) Act 2006 ('*the 2006 Act*') places a duty on the Welsh Ministers to continue the promotion of a comprehensive health service designed to secure improvement in the physical health of the people of Wales, and the prevention of illness.
- Section 2 of that Act empowers Welsh Ministers to do anything which is calculated to facilitate the discharge of that duty.
- Under section 3 of the 2006 Act, the Welsh Ministers have a statutory duty to provide throughout Wales healthcare services for the prevention of illness as they consider appropriate as part of the health service. This would include providing vaccination and immunisation services.
- Pursuant to the Local Health Board (Directed Functions) (Wales) Regulations 2009, the Welsh Ministers' functions under sections 1 to 3 of the 2006 Act have been delegated to Local Health Boards who are thus responsible for the provision of health services in Wales within their local authority areas, including vaccination and immunisation services.

Personal Data **-** Lawful basis for processing personal data (including confidential patient information)

There are lawful bases identified under the UK General Data Protection Regulation (UK GDPR) which pertain to activity undertaken by School Nursing teams which data controllers would be able to rely upon for processing personal data in relation to young people's vaccinations, which are as follows[6]:

- the exercise of official authority[7];

[6] https://gdpr-info.eu/art-9-gdpr/

[7] 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

- provision of healthcare[8]; and
- public interest in the area of public health[9].

Art 9(2)(h) is subject to Art 9(3).[10]

The relevant basis in UK law is set out in DPA 2018, Schedule 1 condition 3.[11] In order to rely on this condition, the processing must be carried out either:

- by, or under the responsibility of, a health professional; or
- by someone else who in the circumstances owes a legal duty of confidentiality.

Nurses are governed by professional codes (Nursing Code of Practice plus a Toolkit for School Nurses) both of which refer to the importance of confidentiality, as an important factor in building trust between professionals and young people. In Wales, the School Nursing Standards[12] sit alongside these codes.

In addition, sections 1- 3 of the 2006 Act is a basis in law which will allow justification for processing young people's information for vaccinations.

However, as confidential patient information is required to be processed, a legal gateway that sets aside the **common law duty of confidentiality** (CLDC) is required in addition to the lawful bases detailed above.

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

The CLDC is set aside by The Health Service (Control of Patient Information) Regulations 2002 regulation 3, which states that in relation to communicable disease and other risks to public health, subject to paragraphs (2) and (3) and regulation 7, confidential patient information may be processed with a view to monitoring and managing the delivery, efficacy, and safety of immunisation programmes in accordance with paragraph (1)(d)(iii).

In addition, regulation 4 – Modifying the obligation of confidence, states that anything done by a person that is necessary for the purpose of processing confidential patient information in accordance with these Regulations shall be taken to be lawfully done despite any obligation of confidence owed by that person in respect of it

Practical application of the legal principles

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[8] 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

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

[10] Personal data referred to in paragraph 1 may be processed for the purposes referred to in point (h) of paragraph 2 when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies.

[11] https://www.legislation.gov.uk/ukpga/2018/12/schedule/1/paragraph/3/enacted

[12] https://phw.nhs.wales/topics/immunisation-and-vaccines/vaccines-professionals/

Compliance with the legislation described above negates schools having to obtain the prior consent of children or their parents or guardians to lawfully share personal data from school rolls with School Nursing teams.

Schools' privacy notices provided to parents and pupils should set out the lawful bases for processing personal data and which other organisations process personal data and why. The sharing of contact details and medical information with the NHS, local authorities and other government bodies including public health agencies (related to the provision of vaccination services) should be covered in such privacy notices.

Application of the Gillick Competency Framework

Where immunisations are routinely offered in the school setting, consent differs depending on the age and competence of the individual child or young person. For secondary school aged children, information leaflets should be available for the young person's own use and shared with their parents prior to the date that the vaccination is scheduled. Where someone aged 16- or 17-years consents to vaccination, a parent cannot override that consent.

Young people under the age of 16, who understand fully what is involved in the proposed procedure (referred to as 'Gillick competent') can also give consent, although ideally their parents will be involved. If a Gillick-competent child consents to treatment, a parent cannot override that consent. If the health professional giving the immunisation felt a child was not Gillick competent then the consent of someone with parental responsibility should be sought. If a person aged 16 or 17 years or a Gillick-competent child refuses treatment that refusal should be accepted.

Schools should allow School Nursing or vaccination teams to use their clinical judgement for the purposes of assessment of "Gillick" competency to allow children who are competent to consent for themselves.

If a parent wishes to complain that their child was vaccinated following an assessment of their Gillick competency, they should contact the relevant health board to discuss their concerns.

Llywodraeth Cymru
Welsh Government

Cynorthwyo'r gwaith o weinyddu a rheoli rhaglenni brechu plant a ddarperir mewn ysgolion

Nod y ddogfen hon yw rhoi gwybodaeth ac arweiniad er mwyn cynghori penaethiaid a staff ysgolion ar gamau gweithredu i gynorthwyo timau nyrsio mewn ysgolion i ddarparu gwasanaethau brechu i blant oedran ysgol.

Gellir dod o hyd i'r rhestr o frechiadau a roddir mewn ysgolion yma.

Cyflwyniad

Mae Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn yn cydnabod hawl plentyn i fwynhau'r safon iechyd uchaf y gellir ei chyrraedd.[1] Brechu yw un o'r pethau pwysicaf y gallwn ni ei wneud i hyrwyddo iechyd da ac amddiffyn plant a phobl ifanc rhag salwch. Mae brechlynnau yn helpu systemau imiwnedd i adeiladu ymwrthedd i heintiau penodol, gan arwain at lai o achosion o glefydau, symptomau ysgafnach ohonynt, a llai o amser a gollir gan blant o'r ysgol. Mae cyflawni lefelau uchel o imiwnedd hefyd yn amddiffyn teuluoedd a'r gymuned drwy gyfyngu ar ledaeniad feirysau fel y ffliw a chlefydau eraill y gellir eu hatal mewn ysgolion a lleoliadau eraill.

Ceir tystiolaeth sy'n awgrymu bod cael eich brechu'n llawn yn darparu rhywfaint o symudedd cymdeithasol, gan ei fod yn golygu nad yw tlodi a'r afiechydon a'r marwolaethau sy'n gysylltiedig â chlefydau heintus bellach yn benderfynyddion o ran cyfleoedd bywyd unigolyn. Mae astudiaethau yn awgrymu bod plant sydd wedi'u brechu yn elwa ar iechyd gwell ac yn perfformio'n well yn yr ysgol,[2] a bod gan y rhai sydd wedi'u himiwneiddio y cyfle o sicrhau disgwyliad oes gwell.[3]

Mae UNICEF, sef sefydliad y Cenhedloedd Unedig sy'n gyfrifol am amddiffyn hawliau plant yn fyd-eang, yn nodi'n glir bod angen gwneud mwy i sicrhau bod plant yn gallu elwa ar fanteision brechu.[4]

Mae tegwch yn ganolog i ddull gweithredu Cymru o ran brechu. Mae rhaglenni brechu mewn ysgolion yn sicrhau cyfleoedd a mynediad teg i bawb fanteisio ar y cynnig i gael eu brechu, gan helpu i sicrhau bod grwpiau difreintiedig yn cael eu trin yn yr un modd â grwpiau eraill.

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[1] Mae Erthygl 24 yn nodi bod rhaid i Bartïon Gwladwriaethau ymdrechu i sicrhau na chaiff unrhyw blentyn ei amddifadu o'i hawl i gael mynediad at wasanaethau gofal iechyd. Gweler hefyd Erthygl 3 sy'n ymwneud â buddiannau pennaf y plentyn ac Erthygl 6 sy'n ymwneud â bywyd, goroesiad a datblygiad.

[2] Nandi A, Shet A. (2020) Why vaccines matter: understanding the broader health, economic, and child development benefits of routine vaccination. *Human Vaccines & Immunotherapeutics*, *16*(8), 1900–1904.

[3] Andre et al. (2008). Vaccination greatly reduces disease, disability, death and inequity worldwide. Bull. Sefydliad Iechyd y Byd 86, 140–146.

[4] Vaccines to keep children safe - UNICEF UK

Rôl timau Nyrsio mewn Ysgolion

Mae gwasanaethau nyrsio mewn ysgolion yn darparu'r rhaglenni brechu mewn ysgolion i bob disgybl yn unol â'r Fframwaith ar gyfer Gwasanaeth Nyrsio mewn Ysgolion i Gymru a'r safonau imiwneiddio.[5] Er mwyn cyflawni'r ystod o raglenni brechu mewn ysgolion yn effeithiol drwy gydol y flwyddyn academaidd, mae angen iddynt wneud y canlynol:

- Asesu statws imiwneiddio pob disgybl pan fydd yn dechrau yn yr ysgol gynradd a'r ysgol uwchradd a chynnig gwybodaeth am sut i gael unrhyw frechlynnau sydd heb eu rhoi.
- Trefnu ymweliadau ar gyfer cynnal sesiynau brechu drwy'r trwyn i atal rhag y ffliw. Caiff y rhain eu cynnig i bob disgybl cymwys o'r dosbarth derbyn hyd at flwyddyn 11 yn ystod tymor yr hydref.
- Trefnu ymweliadau ar gyfer sesiynau brechu wedi'u targedu ar gyfer pob plentyn ym mlynyddoedd 8 a 9.
- Trefnu sesiynau dal i fyny ar gyfer disgyblion a allai fod wedi colli'r brechiadau a drefnwyd pan roddwyd y cynnig iddynt gyntaf.
- Unwaith y cytunir ar ddyddiad ar gyfer cynnal sesiynau brechu, dylid darparu gwybodaeth i'r ysgol am ofynion o ran cynnal sesiynau ac unrhyw gymorth sydd ei angen.
- Trefnu i ffurflen gydsynio a phecyn gwybodaeth gael eu hanfon at rieni a gofalwyr cyn cynnal sesiynau brechu.
- Os nad yw ffurflenni cydsynio wedi'u dychwelyd, dylid cysylltu â rhieni/gofalwyr neu'r disgybl i drafod ffyrdd o roi cydsyniad ar y diwrnod.
- Sicrhau bod gan yr ysgol wybodaeth frechu gyfredol cyn y sesiwn frechu.
- Rhoi adborth i'r ysgol ar y nifer sy'n manteisio ar y sesiynau brechu.

Nod timau Nyrsio mewn Ysgolion yw ceisio tarfu cyn lleied ag y bo modd, a dim ond y pethau na all brechwyr eu gwneud eu hunain y byddant yn gofyn i ysgolion eu gwneud.

Weithiau, mae timau Nyrsio mewn Ysgolion yn wynebu anawsterau o ran cael gafael ar ddata neu fanylion cyswllt disgyblion ysgolion cynradd ac uwchradd neu eu rhieni, a hynny at ddibenion cael cydsyniad a / neu weinyddu brechiadau i blant oedran ysgol.

Rôl ysgolion

Gofynnir felly i ysgolion wneud y canlynol:

- Gweithio gyda thimau Nyrsio mewn Ysgolion i gytuno ar y ffordd orau o weithredu a hyrwyddo rhaglenni brechu mewn ysgolion.
- Enwebu unigolyn a all fod yn gyswllt i'r timau Nyrsio mewn Ysgolion a bod yn bresennol ar ddiwrnod y sesiynau brechu, i helpu i'w cynnal yn ddidrafferth.

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[5] https://www.llyw.cymru/sites/default/files/publications/2019-03/fframwaith-ar-gyfer-gwasanaeth-nyrsio-mewn-ysgolion-i-gymru-mai-2017.pdf

- Cytuno ar ddyddiad neu ddyddiadau ar gyfer cynnal y sesiwn neu sesiynau brechu.
- Gweithio gyda thimau Nyrsio mewn Ysgolion i greu amserlen i bob dosbarth fynd i'w sesiynau brechu.
- Sicrhau amgylchedd a lle priodol, er enghraifft neuadd yr ysgol, er mwyn cynnal y sesiynau brechu yn ddiogel ac yn effeithiol.
- Darparu rhestr o ddosbarthiadau, gan gynnwys manylion cyswllt, i dimau Nyrsio mewn Ysgolion. Hefyd, pan fo'n briodol, darparu manylion at ddibenion cael cydsyniad neu i hwyluso galwad rhwng y gweithiwr gofal iechyd proffesiynol a'r rhiant.
- Caniatáu i dimau Nyrsio mewn Ysgolion gynnal asesiad o gymhwysedd yn ôl diffiniad Gillick er mwyn galluogi'r bobl ifanc i roi eu cydsyniad eu hunain.

Byddai hefyd yn ddefnyddiol pe bai ysgolion yn cyfathrebu â phlant, pobl ifanc, rhieni a gofalwyr er mwyn eu hannog i roi cydsyniad a manteisio ar y brechiadau, yn ogystal â hyrwyddo a rhannu gwybodaeth am y rhaglenni brechu ar wefan yr ysgol, y cyfryngau cymdeithasol a thrwy'r dulliau cyfathrebu a ddefnyddir rhwng athrawon a rhieni. Gofynnir i ysgolion annog rhieni, gofalwyr neu staff, a allai fod yn bryderus neu a allai fod angen cyngor pellach, i siarad â'u nyrs ysgol, eu tîm imiwneiddio neu eu practis meddyg teulu.

Dylai ysgolion ofyn i rieni, gofalwyr neu bersonau â chyfrifoldeb rhiant lenwi ffurflenni cydsynio gydag atebion clir, boed yn gadarnhaol neu negyddol, a'u dychwelyd yn brydlon. Dylid nodi hefyd, os na ddychwelir y ffurflenni erbyn y dyddiad cau, ei bod yn bosibl na fydd gan y timau nyrsio neu'r timau brechu ddigon o frechlynnau i bawb a hoffai gael eu brechu ar y diwrnod.

Mae deddfwriaeth a chanllawiau ar gael i gynorthwyo'r gwaith o weinyddu rhaglenni brechu yng Nghymru ac i hwyluso'r broses ar gyfer rhannu gwybodaeth am ddisgyblion at ddibenion brechu plant oedran ysgol.

<u>Dyletswyddau statudol a dirprwyaethau</u>

- Mae adran 1 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 ('*Deddf 2006*') yn gosod dyletswydd ar Weinidogion Cymru i barhau i hyrwyddo gwasanaeth iechyd cynhwysfawr sydd wedi'i gynllunio i wella iechyd corfforol pobl Cymru ac atal salwch.
- Mae adran 2 o'r Ddeddf honno yn rhoi pŵer i Weinidogion Cymru wneud unrhyw beth sy'n gysylltiedig â hwyluso cyflawni'r ddyletswydd honno.
- Yn unol ag adran 3 o Ddeddf 2006, mae gan Weinidogion Cymru ddyletswydd statudol i ddarparu gwasanaethau gofal iechyd ledled Cymru i atal salwch, fel y bo'n briodol yn eu barn nhw, yn rhan o'r gwasanaeth iechyd. Mae hyn yn cynnwys darparu gwasanaethau brechu ac imiwneiddio.
- Yn unol â Rheoliadau'r Byrddau Iechyd Lleol (Swyddogaethau a Gyfarwyddir) (Cymru) 2009, mae swyddogaethau Gweinidogion Cymru o dan adrannau 1 i 3 o Ddeddf 2006 wedi'u dirprwyo i Fyrddau Iechyd Lleol. Y byrddau iechyd sydd felly yn gyfrifol am ddarparu gwasanaethau iechyd yng Nghymru o fewn eu

hardaloedd awdurdodau lleol, gan gynnwys gwasanaethau brechu ac imiwneiddio.

Data Personol - y sail gyfreithlon ar gyfer prosesu data personol (gan gynnwys gwybodaeth gyfrinachol am gleifion)

Ceir seiliau cyfreithlon a nodir o dan Reoliad Cyffredinol y DU ar Ddiogelu Data (GDPR y DU) sy'n ymwneud â gweithgarwch a gynhelir gan dimau Nyrsio mewn Ysgolion y byddai rheolwyr data yn gallu dibynnu arnynt ar gyfer prosesu data personol ynghylch brechiadau pobl ifanc. Maent fel a ganlyn:[6]

- arfer awdurdod swyddogol;[7]
- darparu gofal iechyd;[8]
- budd y cyhoedd ym maes iechyd y cyhoedd.[9]

Mae Erthygl 9(2)(h) yn ddarostyngedig i Erthygl 9(3).[10]

Mae'r sail berthnasol yng nghyfraith y DU wedi'i nodi yn amod 3 o Atodlen 1 i Ddeddf Diogelu Data 2018.[11] Er mwyn dibynnu ar yr amod hwn, rhaid i'r gwaith o brosesu'r data gael ei gynnal naill ai:

- gan weithiwr iechyd proffesiynol neu o dan gyfrifoldeb gweithiwr iechyd proffesiynol, neu
- gan rywun arall, y mae dyletswydd arno o dan yr amgylchiadau, i ymgymryd â'r ddyletswydd gyfreithiol o gyfrinachedd.

Caiff nyrsys eu llywodraethu gan godau proffesiynol (Cod Ymarfer Nyrsio a Phecyn Cymorth ar gyfer Nyrsys Ysgol) sy'n cyfeirio at bwysigrwydd cyfrinachedd, a'i fod yn elfen bwysig wrth feithrin ymddiriedaeth rhwng gweithwyr proffesiynol a phobl ifanc. Yng Nghymru, mae'r Safonau Nyrsio mewn Ysgolion[12] yn sefyll ochr yn ochr â'r codau hyn.

Yn ogystal, mae adrannau 1- 3 o Ddeddf 2006 yn sail yn y gyfraith a fydd yn cyfiawnhau prosesu gwybodaeth am bobl ifanc ar gyfer brechu.

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[6] https://gdpr-info.eu/art-9-gdpr/

[7] Erthygl 6(1)(e) GDPR y DU - mae prosesu data yn angenrheidiol er mwyn ymgymryd â thasg a gyflawnir er budd y cyhoedd neu wrth arfer awdurdod swyddogol

[8] Erthygl 9(2)(h) GDPR y DU - mae prosesu data yn angenrheidiol er mwyn rhoi diagnosis meddygol, darparu gofal iechyd neu ofal cymdeithasol neu roi triniaeth neu reoli systemau iechyd neu ofal cymdeithasol

[9] Erthygl 9(2)(i) GDPR y DU - mae prosesu data yn angenrheidiol am resymau er budd y cyhoedd ym maes iechyd y cyhoedd

[10] Caiff data personol y cyfeirir ato ym mharagraff 1 ei brosesu at y dibenion y cyfeirir atynt ym mhwynt (h) o baragraff 2 pan gaiff y data hwnnw ei brosesu gan weithiwr proffesiynol neu yn unol â chyfrifoldeb gweithiwr proffesiynol sy'n ddarostyngedig i'r rhwymedigaeth o gyfrinachedd broffesiynol o dan gyfraith neu reolau yr Undeb neu Aelod-wladwriaeth a sefydlwyd gan gyrff cymwys cenedlaethol neu gan berson arall sydd hefyd yn ddarostyngedig i rwymedigaeth o gyfrinachedd broffesiynol o dan gyfraith neu reolau yr Undeb neu Aelod-wladwriaeth a sefydlwyd gan cyrff cymwys cenedlaethol.

[11] https://www.legislation.gov.uk/cy/ukpga/2018/12/schedule/1/paragraph/3/enacted

[12] https://icc.gig.cymru/pynciau/imiwneiddio-a-brechlynnau/adnoddau-brechlyn-ar-gyfer-gweithwyr-iechyd-a-gofal-cymdeithasol-proffesiynol/

Fodd bynnag, gan ei bod yn ofynnol prosesu gwybodaeth gyfrinachol am gleifion, yn ychwanegol at y seiliau cyfreithiol a nodir uchod, mae angen porth cyfreithiol sy'n rhoi **dyletswydd cyfrinachedd y gyfraith gyffredin** o'r neilltu.

Nid cydsyniad yw'r sail gyfreithlon o dan GDPR y DU na dyletswydd cyfrinachedd y gyfraith gyffredin ar gyfer prosesu data personol plant at ddibenion brechu.

Caiff dyletswydd cyfrinachedd y gyfraith gyffredin ei rhoi o'r neilltu gan reoliad 3 o Reoliadau'r Gwasanaeth Iechyd (Rheoli Gwybodaeth am Gleifion) 2002. Mae hwn yn nodi, o ran clefydau trosglwyddadwy a risgiau eraill i iechyd y cyhoedd, yn ddarostyngedig i baragraffau (2) a (3) a rheoliad 7, y caniateir prosesu gwybodaeth gyfrinachol am gleifion er mwyn monitro a rheoli rhaglenni imiwneiddio - o ran eu rhoi ar waith, eu heffeithiolrwydd a'u diogelwch - yn unol â pharagraff (1)(d)(iii).

Yn ogystal, mae rheoliad 4 sy'n ymwneud ag addasu'r rhwymedigaeth cyfrinachedd yn nodi y bydd unrhyw beth a wneir gan berson sy'n angenrheidiol at ddibenion prosesu gwybodaeth gyfrinachol am gleifion yn unol â'r Rheoliadau hyn yn cael ei ystyried fel ei fod wedi'i wneud yn gyfreithlon er gwaethaf unrhyw rwymedigaeth cyfrinachedd y mae gan y person hwnnw ddyletswydd yn ei gylch.

<u>Cymhwyso'r egwyddorion cyfreithiol yn ymarferol</u>

Mae cydymffurfio â'r ddeddfwriaeth a ddisgrifir uchod yn dirymu'r angen i ysgolion gael cydsyniad plant, eu rhieni neu eu gwarcheidwaid ymlaen llaw er mwyn rhannu'n gyfreithlon data personol o gofrestrau ysgol â thimau Nyrsio mewn Ysgolion.

Dylai hysbysiadau preifatrwydd ysgolion a roddir i rieni a disgyblion nodi'r seiliau cyfreithlon ar gyfer prosesu data personol yn ogystal â nodi pa sefydliadau eraill sy'n prosesu data personol a'r rhesymau dros wneud hynny. Mewn hysbysiadau preifatrwydd o'r fath, dylid cynnwys prosesau ar gyfer rhannu manylion cyswllt a gwybodaeth feddygol â'r GIG, awdurdodau lleol a chyrff eraill y llywodraeth, gan gynnwys asiantaethau iechyd y cyhoedd (sy'n gysylltiedig â darparu gwasanaethau brechu).

<u>Cymhwyso'r Fframwaith Cymhwysedd yn ôl diffiniad Gillick</u>

Pan gaiff brechiadau eu cynnig yn rheolaidd mewn ysgolion, mae cydsyniad yn amrywio yn dibynnu ar oedran a chymhwysedd y plentyn neu'r person ifanc unigol. Yn achos plant oedran ysgol uwchradd, dylai taflenni gwybodaeth fod ar gael ar gyfer y person ifanc ei hun a dylid eu rhannu â'r rhieni cyn y dyddiad a drefnwyd ar gyfer cynnal y sesiwn frechu. Pan fydd person ifanc 16 neu 17 oed yn cydsynio i gael ei frechu, ni all rhiant wyrdroi'r cydsyniad hwnnw.

Caiff pobl ifanc o dan 16 oed, sy'n deall yn llawn yr hyn sy'n gysylltiedig â'r weithdrefn arfaethedig (y cyfeirir atynt fel rhai sy'n gymwys yn ôl diffiniad Gillick) hefyd gydsynio, er yn ddelfrydol byddai eu rhieni hefyd yn rhan o'r penderfyniad hwn. Os yw plentyn sy'n gymwys yn ôl diffiniad Gillick yn cydsynio i driniaeth, ni all rhiant wyrdroi'r cydsyniad hwnnw. Pan fo gweithiwr iechyd proffesiynol sy'n rhoi'r brechiad o'r farn nad yw'r plentyn yn gymwys yn ôl diffiniad Gillick, dylid ceisio cydsyniad

rhywun â chyfrifoldeb rhiant. Pan fo person ifanc 16 neu 17 oed neu blentyn cymwys yn ôl diffiniad Gillick yn gwrthod triniaeth, dylid derbyn y gwrthodiad hwnnw.

Dylai ysgolion ganiatáu i dimau Nyrsio mewn Ysgolion neu dimau brechu ddefnyddio eu crebwyll clinigol at ddibenion asesu cymhwysedd yn ôl diffiniad Gillick er mwyn caniatáu i blant sy'n gymwys gydsynio drostynt eu hunain.

Os yw rhiant yn dymuno gwneud cwyn bod ei blentyn wedi'i frechu yn dilyn asesu ei gymhwysedd yn ôl diffiniad Gillick, dylai'r rhiant gysylltu â'r bwrdd iechyd perthnasol i drafod ei bryderon.