

## Educational establishment Covid-19 testing privacy statement

<b>Paper title</b>	Testing for coronavirus privacy information
<b>Version</b>	V2.2
<b>Date</b>	05 January 2021
<b>Author</b>	Laurence Boulter
<b>Executive Director</b>	James Miller

## Version control

<b>Version</b>	<b>Date</b>	<b>Comments</b>
1.0	29 December 2020	For comment / review
2.0	01 January 2021	DfE version
2.1	02 January 2021	Minor changes to refer to all OAT sites
2.2	05 January 2021	Comments deleted. Layout changes finalised

## Introduction

The government has rolled out a coronavirus (Covid-19) testing programme which has now been extended so that a form of the test can be carried out with consent in schools for staff and students.

The information provided in this privacy notice is specifically related to information collected and processed relating to the Covid-19 pandemic. More information about data privacy can be found at the <http://www.ormistonacademiestrust.co.uk/documents-and-policies/> website.

## Who are we?

Ormiston Academies Trust is the organisation which is in charge of your personal information.

This means we are called the Data Controller.

The postal address of the Academy Trust is:

Ormiston Academies Trust (OAT) One Victoria Square Birmingham West Midlands B1 1BD

OAT is one of the largest not-for-profit multi-academy trusts in England. We educate over 30,000 pupils across six English regions, in 32 secondary schools, seven primary schools and one special school. We are referred to as OAT academies in this document.

If you want to contact us about the data we control, please contact the Data Protection Officer (DPO) They can be contacted via [dpo@ormistonacademies.co.uk](mailto:dpo@ormistonacademies.co.uk) or on 0121 262 4725. If there are parts of this privacy notice that you do not understand, please contact your class teacher or a member of the academy senior staff, who will be able to explain it to you.

## Ownership of the personal data

To enable the Covid-19 testing to be completed at [OAT academies], we need to process personal data for staff and pupils taking part, including sharing of personal data where we have a legal obligation. OAT academies is the Data Controller for the data required for processing the tests and undertaking any actions which are needed by the school/college to ensure we meet our public health and safeguarding legal obligations.

[Personal data relating to tests for pupils [Section 175 of the Education Act 2002 for maintained schools **OR** paragraph 7 of the Schedule to the Education (Independent School Standards) Regulations 2014 applicable to academies **OR** paragraphs 3 and 14 of the Schedule to the Non-Maintained Special Schools (England) Regulations 2015 applicable to Non-Maintained Special Schools.]

[Personal Data relating to staff is processed under the legitimate interest of data controller to ensure we can minimise the spread of Covid-19 in a timely manner and enable us to continue to deliver education services safely and securely].

[The following paragraph is relevant to both pupils and staff taking tests]

If you decline a test, we record your decision under the legitimate interest of school in order to have a record of your decisions and to reduce unnecessary contact with you regarding testing.

The processing of special category personal data is processed under the provisions Section 9.2 (i) of UK GDPR, where it is in the public interest on Public Health Grounds. This data is processed under the obligations set out in Public Health legislation (Regulations 3(1) and (4) of the Health Service (Control of

Patient Information) Regulations 2002 (COPI)) which allows the sharing of data for Covid-19 related purposes and where it is carried out by [a health care professional **OR** someone who owes an equivalent duty of confidentiality to that data]

Data Controllorship is then passed to the Department for Health and Social Care (DHSC) for all data that we transfer about you and your test results to them. For more information about what they do with your data please see the Test and Trace [Privacy Notice](#). The establishment remains the Data Controller for the data we retain about you.

## Personal data involved in the process

We use the following information to help us manage and process the tests:

- Name
- Date of birth (and year group)
- Gender
- Home postcode
- Email address
- Mobile number
- Unique barcode assigned to each individual test and which will become the primary reference number for the tests
- Test result
- Parent/guardians contact details (if required)

We will only use information that is collected directly from you specifically for the purpose of the tests, even if you have previously provided us with this information.

## How we store your personal information

The information will only be stored securely on local spreadsheets in school/college whilst it is needed. It will also be entered directly onto DHSC digital services for the NHS Test and Trace purposes. Schools/colleges will not have access to the information on the digital service once it has been entered.

## Processing of personal data relating to positive test results

The member of staff, pupil, student or parent (depending on contact details provided) will be informed of the result by the school/college and advised how to book a confirmatory test.

We will use this information to enact their own Covid-19 isolation processes without telling anyone who it is that has received the positive test.

The information will be transferred to DHSC, who will share this with the NHS, GPs. PHE and the Local Government will use this information for wider test and trace activities as well as statistical and research purposes.

This information is processed and shared under obligations set out in Public Health legislation under Regulations 3(1) and (4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) which allows the sharing of data for Covid-19 related purposes.

This information will be kept by the school/college for up to 14 days and by the NHS for eight years.

## Processing of personal data relating to negative test results

We will record a negative result and the information transferred to DHSC, NHS, PHE and the Local Government who will use the information for statistical and research purposes.

This information is processed and shared under obligations set out in Public Health legislation under Regulations 3(1) and (4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) which allows the sharing of data for Covid-19 related purposes.

This information will be kept by the school/college for up to 14 days and by the NHS for eight years.

## Processing of personal data relating to declining a test

We will record that you have declined to participate in a test and this information will not be shared with anyone.

## Data sharing partners

The personal data associated with test results will be shared with:

- DHSC, NHS, PHE – to ensure that they can undertake the necessary Test and Trace activities and to conduct research and compile statistic about Coronavirus.
- Your GP – to maintain your medical records and to offer support and guidance as necessary
- Local Government to undertake local public health duties and to record and analyse local spreads.

## Your rights

Under data protection law, you have rights including:

**Your right of access** - You have the right to ask us for copies of your personal information.

**Your right to rectification** - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

**Your right to erasure** - You have the right to ask us to erase your personal information in certain circumstances.

**Your right to restriction of processing** - You have the right to ask us to restrict the processing of your personal information in certain circumstances.

**Your right to object to processing** - You have the right to object to the processing of your personal information in certain circumstances.

**Your right to data portability** - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at [insert email address, phone number and or postal address of school/college's DPO] if you wish to make a request.

## How to complain

If you have any concerns about our use of your personal information, you can make a complaint to us at [Insert your organisation's contact details for data protection queries].

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Helpline number: 0303 123 1113

## Data protection frequently asked questions for parents – Covid-19 testing in educational establishments

How can you use my child's data? What is the difference between consenting to the test and consenting to you using my child's data?

Taking part in the test is voluntary, this is what we call medical consent. If you want your child to be tested, you need to understand that as part of testing we process their personal data. This use of their data is allowed under data protection legislation, known as UKGDPR and the Data Protection Act 2018.

The school is responsible for managing the processing of the test and ensuring all the personal data relating to the test is properly managed in accordance with their legal obligations.

Before the school can use any personal data in the administration of taking the test and processing the results, they must tell you the lawful basis for why they are doing this, and it must be in one of six reasons which are allowed in UK data protection legislation. Consent is one of these and another where there is an obligation in law.

In this case you do not need to consent separately to the school using your child's data because the school/college can use education legislation to safeguard and promote the wellbeing of pupils for processing personal data for Covid-19 testing.

There is also Public Health legislation allows the sharing of personal data with DHSC, Local Government, Test and Trace and the NHS.

You can find details of the specific legislation in the privacy notice or ask your school's data protection officer for more details [email address of DPO].

What personal data will you be asking for?

When you register for a test you need to provide the school with your child's:

- Name
- Date of birth
- Gender
- Home postcode
- Email address
- Mobile number
- Name of parent or carer

This allows us to register your child for a test and to process the results. Once your child is registered for a test they will be assigned a unique barcode which will be used to identify the test without the need for sharing a lot of personal data.

Once the test has been completed, we will also record the results.

Do you process any personal data if I refuse the test?

We will record that you have been offered and rejected a test so that we do not keep asking you to agree to a test. **The school will not tell any unauthorised person that is not directly involved in the recording of tests who has refused a test. Schools will not share refusals with other parents or pupils.**

What personal data is used in getting test results?

The school will use the personal data you provided when you register your child for the test to send the result to the named parents/carers of children who test positive for coronavirus on the day of the test. You will also be contacted by email, text or phone by the NHS Test and Trace service to provide support.

The named parents/carers of children who test negative for coronavirus will also be notified by the school on the day of the test.

You will be offered a further test of a different kind called a (PCR tests if you test positive to confirm that you are positive and details for this will be sent by email/and or text to parents/legal guardians within 24 – 48 hours of the test by the NHS.

Who are results shared with?

In the event of a positive result, in addition to sharing with the parent/guardian the school will only share the result with appropriate contacts such as the head teacher and named nominated person in the school to allow the school to start their own Covid-19 isolation processes. **The school will not tell any unauthorised person (that is anyone not involved in the recording of test results) who has received a positive result. Schools will not share positive results with other parents/carers or pupils.**

In the event of a negative result, in addition to sharing with the parent/guardian the school will only share the result with appropriate contacts such as the head teacher and named nominated person in the school. **The school will not tell any unauthorised person (that is anyone not involved in the recording of test results) who has received a negative result. Schools will not share negative results with other parents/carers or pupils.**

All results both positive and negative are shared by the school with the Department for Health and Social Care (DHSC).

DHSC will share results with the NHS to offer advice and support. Results will also be sent to your GP so they can support you. If you have tested positive, a notification will be sent to Public Health England. Results will be used for management including contact tracing.

Will the school tell people connected with my child if they have had a test?

No. The school will not tell anyone that is not directly involved with administrating the test who has had a test and who has not had a test, or what the result is.

If a school bubble “bursts” the school will not identify any individual positive results and you do not have any rights to know who may have tested positive.

### Will my child's personal data be used for research and statistical purposes?

Yes. Data used for research and statistical purposes by DHSC/NHS will not use personal data that identify your child. Aggregate level data that won't identify individuals will be used. This is lawful under UK data protection legislation.

### How will my child's data be used?

Your child's details will be used to complete testing. As part of testing, details of pupils and their parents or guardians, as well as staff, may be used for:

- Registering your child and recording their participation in the testing.
- Matching your child's contact details with health data stored by the NHS.
- Communicating with you about testing.
- Contacting you if you are the parent or guardian of someone who is participating in the programme.
- Contacting you with your child's test results by text message/email.
- Contacting you relating to your child's positive or inconclusive result to collect other medical information about your child's health relating to Covid-19.
- Phoning you to gather feedback to inform improvements that could be made to a full end-to-end testing process.

### How long will my child's data be kept for?

Schools will keep the data used for testing for up to 14 days.

Your child's information will be passed on to the DHSC who will share this information with NHS who will keep it for as long as it is required to provide your child with direct care and to support NHS initiatives to fight Covid-19.

Information held for direct care purposes are stored in line with the Records Management Code of Practice for Health and Social Care 2016. This means such information will be held for up to eight years before it is deleted.