

PRIVACY NOTICE: CORONAVIRUS: NHS TEST AND TRACE

Responding to the Coronavirus advice from the Government is an obligation on all schools in England.

As more pupils are returning to our schools, the safety and wellbeing of pupils, staff and their families is a priority. Planning to manage a safe return is in place, however our responsibility extends beyond the school gates.

We hold a lot of data, and it may be necessary for us to share that data on request from NHS Test and Trace workers. We will do this and will play our part in making this process as effective as possible.

This Privacy Notice should be read alongside the other GDPR and Data Protection information on our website.

NHS Test and Trace – Privacy Information

NHS Test and Trace forms a central part of the government's coronavirus (COVID-19) recovery strategy. It aims to ensure that anyone who develops symptoms of coronavirus can be tested quickly, and helps trace the close recent contacts of anyone who tests positive to notify them that they must self-isolate to help stop the spread of the virus.

You can access and read the NHS Test and Trace Privacy Notice by visiting <https://contact-tracing.phe.gov.uk/help/privacy-notice>

Sharing your information

It is likely that we will be asked to provide contact details if a case of Coronavirus or a suspected case arises in our school. There is an obligation to support the government's coronavirus (COVID-19) recovery strategy. We will provide details as requested to do this. We are likely to be asked to provide your:

- full name
- contact telephone number, if available
- email address, if available

We will be sharing data on the basis that we have a legal duty to protect and promote the welfare of pupils and a duty of care to staff. We also have a Public Duty to share data, including health data, where it is necessary for reasons of public interest in the area of public health. The legal bases for this processing are detailed in the GDPR Article 6(1)(e) and Article 9(2)(i).

Schools are under an obligation to share data. Although at no point will we share data without a sound legal basis, please be aware that we will share data where necessary.

Please be assured that we will keep a record of information that we share.

Sharing Information with the School Community

It is unlikely to be necessary to share personal data relating to health with any other person or with the school community.

When communicating information if a case of Coronavirus or a suspected case arises in our school we will use a generic statement e.g. “a parent of a child in your child’s school ‘bubble’ has experienced COVID-19 symptoms...” or “a member of staff teaching another ‘bubble’ in school has developed COVID-19 symptoms...”. Names of individuals affected or more detailed health details will not be shared.

NHS Test and Trace and the law

The law on protecting personally identifiable information, known as the General Data Protection Regulation (GDPR), allows Public Health England to use the personal information collected by NHS Test and Trace.

The section of the GDPR that applies is:

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 vested in the controller’

As information about health is a special category of personal information, a further section of the GDPR applies:

Article 9(2)(i) ‘processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare’

Public Health England also has special permission from the Secretary of State for Health and Social Care to use personally identifiable information without people’s consent for the purposes of diagnosing, recognising trends, controlling and preventing, and monitoring and managing communicable diseases and other risks to public health.

This is known as ‘Section 251’ approval and includes the use of the information collected by NHS Test and Trace to help protect the public from coronavirus.

The part of the law that applies here is Section 251 of the National Health Service Act 2006 and the associated Health Service (Control of Patient Information) Regulations 2002.

Concerns

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our data protection officer, Mr P Montgomery (dpo@fcat.org.uk), in the first instance. However, an individual can contact the Information Commissioner’s Office should they consider this to be necessary, at <https://ico.org.uk/concerns/>