



## **PRIVACY NOTICE FOR THE AQUINAS CHURCH OF ENGLAND EDUCATION TRUST (The Trust)**

### **REGARDING THE NHS TEST AND TRACE DURING THE COVID-19 PANDEMIC.**

All schools have an obligation to follow the Government's guidance on the COVID-19 Pandemic and co-operate with Public Health England and the NHS (National Health Service) 'Test and Trace' scheme in order to support the national response to the Covid-19 Pandemic.

It is the Trust's priority to ensure the wellbeing and health and safety of our children and young people, their families and staff, this remains at the heart of our planning in order to ensure that our academies are safe places.

We process personal data on pupils, staff, parents, contractors, volunteers and visitors as detailed in the privacy notices provided to each category of data subject. We collect and use personal data under the following lawful bases:

- a. where we have the consent of the data subject (Article 6 (a));
- b. where it is necessary for compliance with a legal obligation (Article 6 (c));
- c. where processing is necessary to protect the vital interests of the data subject or another person (Article 6(d));
- d. where it 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 (Article 6 (e)).

Where the personal data we collect about pupils is sensitive personal data, we will only process it where:

- a. we have explicit consent;
- b. processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and/or
- c. processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject. In addition, the processing satisfies one of the requirements of Schedule 1 Part 2 of the Data Protection Act 2018.

It may be necessary for us to share certain personal data, when requested to do so, with the Public Health England and NHS Test and Trace. We expect that we will be asked to provide details, including contact details, of any cases of COVID-19 (or a suspected case) that may arise within any of our academies. In doing so, we do not require your consent we will also be relying on the lawful basis detailed at (d) and (c) detailed above. We will keep a record of any information shared.

### **NHS Test and Trace**

The law on protecting personally identifiable information, known as the GDPR, allows Public Health England to use personal information collected by NHS Test and Trace. The section of the GDPR which 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 where this is in the public interest. 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.

### **Testing**

The Trust and its academies, where appropriate, will also be participating in the Government's testing programme at schools for staff and pupils.

To enable the COVID-19 testing to be completed, we need to process personal data for staff and pupils taking part. It may also be necessary for us to share certain personal data, when requested to do so, with the Public Health England and NHS Test and Trace. We expect that we will be asked to provide details, including contact details, of any cases of COVID-19 (or a suspected case) that may arise within any of our academies. In doing so, we rely on Paragraph 7 of the Schedule to the Education (Independent School Standards) Regulations 2014 in relation to pupil data. In relation to the personal data of staff, we rely on the legitimate interest of data controller to ensure we can minimise the spread of COVID in a timely manner and enable us to continue to deliver education services safely and securely in order to process data. In doing so, we will also be relying on the lawful basis detailed at (d) and (c) detailed above. We will keep a record of any information shared.

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 but this information will not be shared with anyone else.

The processing of special category personal data is processed under the provisions Section 9.2(i) of 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 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;
- Ethnicity;
- 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 academies participating in the testing programme whilst it is needed. It will also be entered directly onto DHSC digital services for the NHS Test and Trace purposes. We 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**

You (depending on contact details provided) will be informed of the result by the participating academy and advised how to book a confirmatory test.

We will use this information to enact our own COVID 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 related purposes.

This information will be kept by us for up to 14 days and by the NHS for 8 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 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 related purposes.

This information will be kept by us for up to 14 days and by the NHS for 8 years.

### **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.

### **Individual Data Protection Rights**

Under data protection legislation, all individuals have the right to request access to information about them that we hold (“Subject Access Request”). Where a pupil does not have the maturity to make their own requests for personal data, parents may do so on their behalf.

From the age of 13, we generally regard pupils as having the capacity to exercise their own rights in relation to their personal data. This means that where we consider a pupil to have sufficient maturity to understand their

own rights, we will require a Subject Access Request to be made by the pupil and not their parent(s) on their behalf. This does not affect any separate statutory right parents might have to access information about their child.

To make a request for your personal data or that of your child, contact one of the following; although any written request for personal data will be treated as a Subject Access Request:

The Trust's Data Protection Officer: Mary Capon by writing to her at Aquinas Trust, Magpie Hall Lane, Bromley BR2 8HZ or emailing her at [info@aquinatrust.org](mailto:info@aquinatrust.org) and inserting 'subject access request' in the subject box.

The Academy's Data Protection Lead: **Amy Biddle**.

Subject to the section below, the legal timescales to respond to a Subject Access Request is one calendar month. As there are limited staff resources outside of term time, we encourage parents/ pupils to submit Subject Access Requests during term time and to avoid sending a request during periods when the Trust/Academy is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. For further information about how we handle Subject Access Requests, please see the Trust's Data Protection Policy.

You also have the right to:

- restrict or object to processing of personal data that is likely to cause, or is causing, damage or distress;
- prevent processing for the purpose of direct marketing;
- object to decisions being taken by automated means;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of our data protection responsibilities.

If you have a concern about the way we are collecting or using pupil data, you should raise your concern with us in the first instance by contacting the Trust's data protection officer or the Academy's data protection lead. Alternatively, you can contact directly the Information Commissioner's Office at <https://ico.org.uk/concerns>.

This NHS TEST AND TRACK AND TESTING DURING THE COVID-19 PANDEMIC Privacy Notice should be read alongside other General Data Protection Regulation (GDPR) and Data Protection information on The Trust website and the general privacy notice provided to you by the Academy.

**Contact:**

If you have any queries regarding this notice or the use of pupil personal information, please contact:

- The Trust's data protection officer, Mary Capon, who can be contacted by writing to her at The Trust's offices at Magpie Hall Lane, Bromley BR2 8HZ, by emailing [info@aquinatrust.org](mailto:info@aquinatrust.org) or calling 0203 949 7000.