



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

### **REGARDING THE NHS TEST AND TRACK 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 1 Part 2 of the DPA.

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 be relying on the lawful basis detailed at (d) and (c) detailed above. We will keep a record of any information shared.

This Privacy Notice should be read alongside other General Data Protection Regulation (GDPR) and Data Protection information on The Trust website and the privacy notice provided to you by the Academy.

### **NHS Test and Trace – the Law**

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.

### **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: [insert contact details].

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/>.

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.

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