

Privacy Notice for COVID-19 Testing



Learning together, succeeding together and creating our future together

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1. Ownership of the Personal Data

To enable the Covid-19 testing to be completed at Solent Academies Trust academies, we need to process personal data for staff and pupils taking part, including sharing of personal data where we have a legal obligation.

Solent Academies Trust is the Data Controller for the data required for processing the tests and undertaking any actions which are needed by our academies to ensure we meet our public health and safeguarding legal obligations. All data is processed under Section 3 of the Non-Maintained Schools Regulations 1999 for non-maintained schools. Data Controllorship is then passed to the Department for Health and Social Care (DHSC) at the point that we transfer data to them.

2. 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)
- Unique barcode assigned to each individual test and which will become the primary reference number for the tests
- Test result
- Parent/guardians contact details

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

The information will only be stored securely on local spreadsheets in school/college until it is securely shared with DHSC.

3. Processing of Personal Data Relating to Positive test results

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

The academy will use this information to enact their 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 with NHS, PHE and the Local Government who will use the 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 the school/college for up to 14 days and by the NHS for 8 years.

4. Processing of Personal Data Relating to Negative test results

Each academy will record a negative result and the information will be 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 related purposes.

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

5. Data Sharing Partners

The personal data associated with test results will be shared with DHSC, NHS, PHE and local government to ensure they take the necessary actions they need to complete under their legal obligations.

6. Our Lawful Basis for using this data

We will only collect and use your information when the law allows us to. We need to establish a 'lawful basis' to do this.

Our lawful bases for processing your personal information for the reasons listed in section 3 above are:

- For the purposes of (a, b), in accordance with the 'public task' basis – we need to process data to fulfil our official duties as a school as set out here:
 - Article 6(1)(e) The processing is necessary for us to perform a task in the public interest or in the exercise of official authority vested in the controller
 - 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 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

7. 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.

8. Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concerns about our data processing, please let us know first.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

9. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **data protection officer**:

Julie Jennings is the Data Protection Officer and can be contacted by emailing DPO@solentacademiestrust.info