

PRIVACY NOTICE CORONAVIRUS: TEST, TRACK AND TRACE

1. Introduction

Responding to the Coronavirus advice from the Government is an obligation on all Trusts, schools and academies in England. The development of the NHS 'Test and Trace' scheme is a key part of the Government plan to manage Coronavirus.

As more pupils and staff 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.

2. If a person at school contracts the virus

If a staff member, pupil or visitor to one of our schools tests positive for the virus, other members of the school community, and the wider community, could be at risk. It is our responsibility to engage with Public Health England, the NHS, the Local Authority or the DfE, or a combination of these organisations, in order to trace contacts that may be at risk from the virus.

The DfE states that 'if . . . cases are detected within the child or young person's cohort or in the wider education or childcare setting, Public Health England's local Health Protection Teams will conduct a rapid investigation and will advise schools and other settings on the most appropriate action to take.'

Under these circumstances, the sharing of data does not require consent and we will cooperate with requests for data under our legal obligations as referred to in section 4 below.

3. If a school / academy is contacted by NHS Test and Trace

It is likely that we will be asked to provide contact details if a case of Coronavirus or a suspected case arises in one of our schools and there is an obligation on us to support the Government's planning. We will therefore provide details as requested to comply with the request.

We will be sharing data on the basis that this is a Public Duty (see below) and that in the case of any health data it is necessary for the public interest. Please be assured that we will keep a record of any information that we share.

This Privacy Notice should be read in alongside the other GDPR and Data Protection information on our website. If you have any questions, please contact your school in the first instance.

4. 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 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.

5. The collection of Data

We have a legal obligation to record the details of persons on our premises in order to comply with the NHS Test and Trace process.

For pupils and staff, this is a usual part of our day to day business activity and we already hold contact details for all staff and pupils.

We also record the details of visitors to school premises under safeguarding requirements and visitors cannot enter school under any circumstances unless they are signed in on our visitor management systems. Many visitors will have already provided contact details as part of their visit and all the above details will be treated as per our usual records management policy.

In cases where visitors may not have previously provided contact details, we are now required to collect a means of contacting said visitors under Article 6(1)(e) of the GDPR.

These details will be stored securely by schools and will be deleted after 21 days. The details will not be shared with anyone unless we are contacted by the NHS, Public Health England, the Local Authority or the DfE in relation to a confirmed case of Covid-19 and a request for information under Test and Trace.

If visitors do not wish to provide us with their contact details, they have the option to use the NHS facility directly by scanning the QR code displayed at each of our schools and providing details in the system. This data is then held within the Test and Trace system for 21 days. Schools or the trust have no access to this data.

Anyone who refuses to participate by providing contact details by one of the methods above will be refused entry into the school.

Please note that only data that would not normally be provided during sign-in will be deleted after 21 days. Our records management policy requires us to keep a log of visitors to schools for 6 years before review and secure disposal.

By law, you have a number of rights as a data subject, such as the right to be informed, the right to access information held about you and the right to rectification of any inaccurate data that we hold about you.

You have the right to request that we erase personal data about you that we hold (although this is not an absolute right).

You have the right to request that we restrict processing of personal data about you that we hold in certain circumstances.

You have the right to object to processing of personal data about you on grounds relating to your particular situation (also again this right is not absolute).

If you have any questions or concerns relating to this privacy notice, or about the way we are using your personal data, please contact the school office or our data protection officer at dpo@iftl.co.uk

You can also complain directly to the Information Commissioners Office at <https://ico.org.uk/concerns/>