

Educational Establishment Covid-19 Testing Privacy Statement

Paper title	Testing for corona virus privacy information
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Author	James Miller / Laurence Boulter
Executive Director	James Miller

Version Control

Version	Date	Comments
1.0	29 December 2020	For comment / review
2.0	01 January 2021	DfE version
2.1	02 January 2021	Minor changes to refer to all OAT sites.
2.2	05 January 2021	Comments deleted. Layout changes Finalised
3.0	24 February 2021	New Gov. template provided

Introduction

The government has rolled out a coronavirus (Covid-19) testing programme which has now been extended so that a form of the test can be carried out with consent in schools for staff and pupils (we refer to our children as pupils collectively).

The information provided in this privacy notice is specifically related to information collected and processed relating to the Covid-19 pandemic. More information about data privacy can be found at the <http://www.ormistonacademiestrust.co.uk/documents-and-policies/> website.

Who are we?

Ormiston Academies Trust is the organisation which is in charge of your personal information.

This means we are called the Data Controller.

The postal address of the Academy Trust is:

Ormiston Academies Trust (OAT) One Victoria Square, Birmingham, West Midlands B11BD

OAT is one of the largest not-for-profit multi-academy trusts in England. We educate over 30,000 pupils across six English regions, in 32 secondary schools, seven primary schools and one special school. We are referred to as OAT Academies in this document.

If you want to contact us about the data we control, please contact the Data Protection Officer, Sonia Pressure. She can be contacted via dpo@ormistonacademies.co.uk or on 0121 262 4725. If there are parts of this privacy notice that you do not understand, please contact your class teacher or a member of the academy senior staff, who will be able to explain it to you.

Ownership of the personal data

To enable the Covid-19 testing to be completed at OAT academies, we need to process personal data, including the sharing of personal data where this is allowed under data protection legislation. OAT Academies is the Data Controller for the data required for the management of tests and implementing local arrangements in the event of a positive test and undertaking any actions needed by school/college as part of the school/college's health (including public health), welfare and safeguarding role and obligations.

Personal data relating to tests for pupils is processed under article 6 (1) (e) of the UK GDPR (public task). This is based on the [school's / college's/16-19 academy] proprietor's official authority for the conduct of the [school / college/institution]. [Section 175 of the Education Act 2002 and paragraph 3 of Schedule 1 to the Education Act 2002 for maintained schools OR paragraph 7 of the Schedule to the Education (Independent School Standards) Regulations 2014 for independent schools including Academy Schools and Alternative Provision Academies OR requirements pertaining to policies on health and welfare for 16-19 Academies; OR paragraphs 3 and 14 of the Schedule to the Non-Maintained Special Schools (England) Regulations 2015 applicable to Non-Maintained Special Schools OR section 19(2) – (4) and 33F(2)-(6) of the Further and Higher Education Act 1992 for Further Education Corporations and Sixth Form College Corporations] is/are also relevant.

We will process special category personal data under the provisions of article 9.2(i) of the UK GDPR, and Part 1 of Schedule 1(3) of DPA 2018 where it is in the public interest on Public Health Grounds to ensure we can minimise the spread of COVID in a timely manner and enable us to continue to deliver education services as safely and securely as possible. 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.

Ownership of the personal data you share with DHSC

Every time you use a lateral flow test you must report the results. More details can be found here -. The Department for Health and Social Care (DHSC) is the data controller for the information that you transfer to them about you and your test results. For more information about what the DHSC do with your data please see their C-19 Privacy Notice

OAT Academies remains the Data Controller for the data we retain about you for the management of tests and implementing local arrangements in the event of a positive test.

You should read both this Privacy Notice and the DHSC Covid-19 Privacy Notice to understand how your personal data is used prior to taking a test.

Personal data involved

The following personal data is processed by the [school/college] in relation to your test:

- Name
- Unique code assigned to each individual test and which will become the primary reference number for the tests.
- Test result

For more information about what the DHSC do with your data please see their Covid-19 Privacy Notice

How we store your personal information

Each academy will maintain a test kit log which will record against your name details of the testing kit which has been provided to you. The Academy may also record personal data about you in its internal Covid-19 test register (the academy's Covid-19 test register will not be shared with DHSC). This information will only be stored securely on locally managed systems with appropriate access controls in academies and will only be accessible to personnel involved in the management of tests and implementing local arrangements in the event of a positive test.

The academy will retain its test kit log and Covid-19 test register for a period of twelve (12) months from the date of the last entries made by the [school/college] into them.

For more information about what the DHSC do with your data please see their Covid-19 Privacy Notice

Processing of personal data relating to positive test results

We will use this information to enact our own Covid isolation and control processes without telling anyone who it is that has received the positive test.

For more information about what the DHSC do with your data please see their Covid-19 Privacy Notice

This information will be kept by the academy for a period of twelve (12) months and by the NHS for eight (8) years.

Processing of personal data relating to negative and void test results

We will record a negative and void result for the purpose of stock controls of tests and general performance of the testing process.

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 statistical information about coronavirus.
- Your GP – the NHS may share the information you provide with your GP to maintain your medical records and to offer support and guidance as necessary. Any data you provide to the Academy will not be shared with your GP.
- Local government to undertake local public health duties and to record and analyse local spreads.

Personal data in the academy's test kit log will be shared with DHSC to identify which test kit has been given to which individual in the event of a product recall. The academy will not share its internal Covid-19 test register with DHSC.

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.

Please contact OAT Data Protection Officer at dpo@ormistonacademies.co.uk if you wish to make a request.

How to complain

If you have any concerns about our use of your personal information, you can make a complaint to us at Ormiston Victory Academy by emailing pa@ormistonvictoryacademy.co.uk

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113