

# COVID-19 Testing Privacy Notice: For Staff, Students, Parents and Carers

Reviewed January 2021



RUSSELL EDUCATION TRUST

## 1. Background

- 1.1 This Russell Education Trust ('the Trust') Privacy Notice applies to all personal data held by the Trust as a multi academy trust and by individual schools in the Trust.
- 1.2 The Trust aims to ensure that all personal data collected by the Trust and in its individual schools, is collected, stored and processed in accordance with the [General Data Protection Regulation \(EU\) 2016/679 \(GDPR\)](#) and the Data Protection Act 2018 (DPA 2018) .
- 1.3 Under data protection law, individuals have a right to be informed about how Trust uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.
- 1.4 The Russell Education Trust, Manor House, 1 The Crescent, Leatherhead, Surrey, KT22 8 is the 'data controller' for the purposes of data protection law. Our data protection officer is Jo Townsend (see 'Contact us' below).

## 2. Ownership of the Personal Data

- 2.1 To enable the Covid-19 testing to be completed in Trust schools, we need to process personal data for staff and pupils taking part, including sharing of personal data where we have a legal obligation. The Trust is the Data Controller for the data required for processing the tests and undertaking any actions which are needed by the Trust's schools to ensure we meet our public health and safeguarding legal obligations.
- 2.2 Personal data relating to tests for pupils [Section 175 of the Education Act 2002 for maintained schools **OR** paragraph 7 of the Schedule to the Education (Independent School Standards) Regulations 2014 applicable to academies **OR** paragraphs 3 and 14 of the Schedule to the Non-Maintained Special Schools (England) Regulations 2015 applicable to Non-Maintained Special Schools.
- 2.3 Personal Data relating to staff is processed under 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.
- 2.4 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.
- 2.5 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.
- 2.6 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 Trust remains the Data Controller for the data we retain about you.

## 3. Personal Data Involved in the Process

- 3.1 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)

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3.2 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.

## 4. How We Store Your Personal Information

4.1 The information will only be stored securely on data sources within the Trust whilst it is needed. It will also be entered directly onto DHSC digital services for the NHS Test and Trace purposes. The Trust and its schools will not have access to the information on the digital service once it has been entered.

## 5. Processing of Personal Data Relating to Positive Test Results

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

5.2 We will use this information to enact their own COVID isolation processes without telling anyone who it is that has received the positive test.

5.3 The information will be transferred to DHSC, who will share this with the NHS, GPs, PHE and relevant local authority will use this information for wider test and trace activities as well as statistical and research purposes.

5.4 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.

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

## 6. Processing of Personal Data Relating to Negative Test Results

6.1 We will record a negative result and the information transferred to DHSC, NHS, PHE and the relevant local authority who will use the information for statistical and research purposes.

6.2 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.

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

## 7. Processing of Personal Data Relating to Declining a Test

7.1 We will record that you have declined to participate in a test and this information will not be shared with anyone.

## 8. Data Sharing Partners

8.1 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.

## 9. Your Rights

### 9.1 How to Access Personal Information We Hold About You

9.1.1 You have the right to make a 'subject access request' to gain access to personal information we hold about you. If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

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9.1.2 You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

9.1.3 If you would like to make a request please contact us (see 'Contact us' below).

## 9.2 Your Other Rights Regarding How Your Personal Data is Used and Kept Safe

9.2.1 Under data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Object to the use of personal data
- Prevent it being used to send direct marketing
- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

9.2.2 To exercise any of these rights, please contact us (see 'Contact us' below).

## 10. Complaints

10.1 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 concern about our data processing, please raise this with us in the first instance. Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF 10.

## 11. Contact Us

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

- **Data Protection Officer:** Jo Townsend
- **Email address:** [DPO@Russelleducationtrust.org.uk](mailto:DPO@Russelleducationtrust.org.uk)
- **Address:** Data Protection Officer, Russell Education Trust, Manor House, The Crescent, Leatherhead, Surrey, KT22 8DY. Please mark private and confidential for the attention of the Data Protection Officer.