

[Educational establishment] – Covid-19

Testing at academy of pupils and students in secondary schools and colleges privacy statement: September 2021

Paper title	Testing for corona virus privacy information
Version	V4
Date	8 July 2021
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
4.0	08 July 2021	Review for September 2021 testing at Academies

Introduction

The government coronavirus (Covid-19) testing programme 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) when Academies open after the summer break in September 2021.

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, Laurence Boulter. He 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 [Name of school/college], we need to process personal data for staff and pupils taking part, including sharing of personal data where we have a legal obligation. [Name of school/college] is the Data Controller for the data required for processing the Covid-19 tests and undertaking any actions which are needed by the school/college to ensure we meet our public health and safeguarding legal obligations.

Personal data relating to tests for pupils/students 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.

[Personal Data relating to staff is processed under article 6 (1) (f) of the UK GDPR the legitimate interest of the data controller to ensure we can minimise the spread of Covid-19 in a timely manner and enable us to continue to deliver education services safely and securely].

[The following paragraph is relevant to both pupils and staff taking tests].

The processing of special category personal data is processed under article 9 (2) (i) of the UK 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-19 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].

Data Controllorship is then passed to the Department for Health and Social Care (DHSC), when we transfer your personal data, 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 [Name of school/college] remains the Data Controller for the data we retain about you.

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)
- 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)

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.

How we store your personal information

The information will only be stored securely on local spreadsheets called Covid-19 results registers, in school/college whilst it is needed. It will also be entered directly onto DHSC digital services for the NHS Test and Trace purposes. Schools/colleges will not have access to the information on the digital service once it has been entered.

Processing of Personal Data Relating to Positive test results

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

We will use this information to enact their own Covid-19 isolation processes without telling anyone who it is that has received the positive test.

The information will be transferred to DHSC, who will share this with the NHS, GPs. Public Health England (PHE) and the Local Government will use this 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-19 related purposes.

The results register will not be shared with any third parties and will be retained for a minimum of 14 days and up to a month after the last entries are made by the school into them.

DHSC will retain information for up to eight (8) years. For more information about what the DHSC do with your data please see their [Covid-19 Privacy Notice](#).

Processing of Personal Data Relating to Negative and Void test results

We will record a negative or void result and the information is 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-19 related purposes.

The results register will not be shared with any third parties and will be retained for a minimum of 14 days and up to a month after the last entries are made by the school into them.

DHSC will retain information for up to eight (8) years. For more information about what the DHSC do with your data please see their Covid-19 Privacy Notice.

Processing of Personal Data relating to declining a test

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.

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 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.

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 us 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 dpo@ormistonacademies.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 123 111