

12 Appendix C: COVID-19 Testing Privacy Notice

12.1 Self-Test Privacy Notice

[Educational Establishment] – COVID-19 Testing at home of pupils and students in Secondary Schools and Colleges Privacy Statement

Ownership of the Personal Data

To enable Covid-19 testing to be completed by **[Name of School/ College]**, we need to collect and use personal data – information that is about and identifies you. This also includes the sharing of personal data where this is allowed under data protection legislation. **[Name of School/ College]** is the 'Controller' for the data required for the management of test kits and for 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.

A privacy notice must by law explain to you the 'lawful basis' for the use of your personal information. [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.

Personal Data shared with DHSC

When you do your own Covid-19 testing at home, you must report the results online to the Department of Health and Social Care ('DHSC') and tell the School/College. More details on online reporting can be found here - [Report a COVID-19 test result - GOV.UK \(www.gov.uk\)](https://www.gov.uk/report-a-covid-19-test-result).

DHSC is the data controller for the information that you provide to them about you and your test results. For more information about what the DHSC do with your data please see their [COVID-19 Privacy Notice](#)

The School/College 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 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

Test Kit Log

The Medicines and Healthcare products Regulatory Agency (MHRA) require that the School/College keep a test kit log for all tests that are provided for use at home. This is so you can be contacted in the event of a batch recall, investigations, or issuing of a safety notice. The information collected is:

- First name, last name and telephone number
- Details of lot/batch number for the test kits you receive

For this Test Kit Log the School/College is acting as a ‘processor’ of DHSC and this information will be sent to DHSC as required. For more information about what DHSC do with your data please see their [COVID-19 Privacy Notice](#)

How we store your personal information

The School/College will keep the test kit log and may also record Personal Data about you in its internal COVID-19 results register (the School/College’s COVID-19 results register will not be shared with DHSC). This information will be stored securely and with appropriate access controls. It will only be accessible to personnel involved in the management of tests and implementing local arrangements in the event of a positive test.

COVID-19 results register will be retained for a minimum of 14 days up to a month after the last entries are made by the School/College into them.

The School/College will retain its Test Kit Log for a maximum of 12 months from collection and will delete sooner if required to do so by DHSC.

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](#)

How your personal data is used

To contact you in relation to the Test Kit Log as explained above.

Also, the DHSC use information that is provided to them when test kits are registered and when test results are reported. This helps them to understand:

- Geographic and sector distribution of test kits
- Understand registration of test kits provided vs kits received
- How we might further encourage registration
- If there are any groups, we are currently not reaching out to (distribution of self-test kits)
- Ensuring equitable uptake (across under-represented groups) of test kits.

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](#)

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 school 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 school/college'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 school will not share its internal COVID-19 results 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 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 [insert email address, phone number and or postal address of school/college's DPO] 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 [Insert your organisation's contact details for data protection queries].

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

[12.2 ATS Privacy Notice](#)

Educational Establishment] – COVID-19 Testing Privacy Statement

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 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 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 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 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 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:

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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 **[insert email address, phone number and or postal address of school / college's DPO]** 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 **[Insert your organisation's contact details for data protection queries]**.

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

The ICO's address:

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 Wycliffe House
 Water Lane
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Helpline number: 0303 123 111