



KINGS' SCHOOL, WINCHESTER

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COVID – 19 TESTING – Privacy Notice

September 2021

To enable Covid-19 testing to be completed at Kings' School, we need to process personal data for staff and pupils taking part, including sharing of personal data where we have a legal obligation. Kings' School is the Data Controller for the data required for processing the tests and undertaking any actions which are needed by the school to ensure we meet our public health and safeguarding legal obligations.

Personal data relating to tests for pupils is a legitimate use of personal data as defined by Section 175 of the Education Act 2002 for maintained schools.

Personal Data relating to staff is processed by the school 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.

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

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.

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.

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 establishment 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 (where provided)
- Home address and postcode
- Parent Email address
- Parent Mobile number
- Unique barcode assigned to each individual test and which will become the primary reference number for the tests
- Test result

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 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 allow staff or pupil 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. 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.

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

Processing of Personal Data Relating to Negative test results

We will record a negative result and the information 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.

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

Processing of Personal Data relating to declining a test

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

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.

Why our use of your personal data is lawful

In order for our use of your/your child's personal data to be lawful, we need to meet one (or more) conditions in the data protection legislation. For the purposes of this programme, the relevant conditions are:

For processing personal data by the NHS and School:

- Article 6(1)(e) GDPR, to perform a public task as part of our function as a department.

The NHS's lawful basis for processing your personal data for operational delivery of the Test & Trace Programme is legitimate interests. GDPR Article 6(1)(f).

For processing special category data by the NHS:

- GDPR Article 9(2)(i) – the processing is necessary for reasons of public interest in the area of public health
- Data Protection Act 2018 – Schedule 1, Part 1, (2) (2) (f) – health or social care purposes

- Regulations 3(1) and (4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) – the processing is necessary for a COVID-19 purpose

For processing special category data by the School:

- GDPR Article 9(2)(g) and Schedule 1, part 2, para 6 Data Protection Act 2018 – the processing of special category data is necessary to fulfil a statutory purpose.

For processing staff personal data by the School:

- GDPR Article 6(1)(f) – the processing is necessary for the purposes of the legitimate interest of the controller

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 kings.school@kings-winchester.hants.sch.uk, or by telephone at 01962 861161 or by post to Kings' School, Romsey Road, Winchester, SO22 5PN if you wish to make a request.

How to complain

If you have any concerns about our use of your personal information, you can contact the Data Protection, Mrs Yvette Ashman, School Business Manager, at Dataprotectionofficer@kings-winchester.hants.sch.uk .

You can 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