

## **Ercall Wood Academy – COVID-19 Testing at home of pupils and students in Secondary Schools and Colleges Privacy Statement**

### **Ownership of the Personal Data**

To enable the Covid-19 testing to be completed at Ercall Wood Academy we need to process personal data, including the sharing of personal data where this is allowed under data protection legislation. Ercall Wood Academy 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 the academy as part of the academy'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 academy's proprietor's official authority for the conduct of the academy. [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 - [Report a COVID-19 test result - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/report-a-covid-19-test-result). 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 [COVID-19 Privacy Notice](#)

The academy 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 academy 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**

The 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 the academy 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 academy 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 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 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 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 Robert Montgomery/Susan Wright, Audit & Governance – 01952 383103 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 [amy.goodall2@LCT.education](mailto:amy.goodall2@LCT.education).

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