

Privacy Notice Coronavirus Test and Trace

Schools are in a very difficult situation. The tracing process of 'Test and Trace' is made more difficult as schools are public authorities. They have a legal duty to protect and promote the welfare of pupils and a duty of care to staff. It is hoped that additional government guidance will be provided for schools.

As a private individual, compliance with the scheme is optional, i.e., you cannot at the present time be forced to provide details. With schools, it is more complicated.

If a person in a school has COVID-19 or symptoms of the virus they will be sent home, as will other people in school who have had contact with this individual and who may be at risk. In a school setting, it would be most unusual for any one person to know the details of everyone else who may be affected. It is only the school that will have that data. We would notify individuals about a risk, and in many instances that will be sufficient.

However, the Department for Education guidance goes onto say:

'As part of the national test and trace programme, if other cases are detected within the child or young person's cohort or in the wider education or childcare setting, Public Health England's local Health Protection Teams will conduct a rapid investigation and will advise schools and other settings on the most appropriate action to take.'

Therefore, in this situation it is not a matter of giving consent to share data; there is a Public Duty to do so. As a school, we will co-operate with such requests. Schools are under an obligation to share data. Although at no point will we share data without a sound legal basis, please be aware that we will share data where necessary.

Responding to the Coronavirus advice from the Government is an obligation on all schools in England:

The development of the NHS Test and Trace scheme is a key part of the government's plan to manage Coronavirus. As more pupils are returning to our schools, the safety and wellbeing of pupils, staff and their families is a priority. Planning to manage a safe return is in place; however, our responsibility extends beyond the school gates.

We hold a lot of data, and it may be necessary for us to share that data on request from NHS Test and Trace workers. We will do this and will play our part in making this process as effective as possible.

It is likely that we will be asked to provide contact details if a case or suspected case of Coronavirus arises in our school. There is an obligation to support the government planning. We will provide details as requested in order to do this.

We will be sharing data on the basis that this is a Public Duty (see below) and, in the case of any health data, it is necessary for the public interest, as set out. Please be assured that we will keep a record of information that we share.

This Privacy Notice should be read alongside the other GDPR and Data Protection documents on our website.

If you have any questions, please contact the school office.

NHS Test and Trace and the Law

The law on protecting personally identifiable information, known as the General Data Protection Regulation (GDPR), allows Public Health England to use the personal information collected by NHS Test and Trace.

The section of the GDPR that applies is:

Article 6(1)(e) – ‘processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller’

As information about health is a special category of personal information, a further section of the GDPR applies:

Article 9(2)(i) – ‘processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare’

Public Health England also has special permission from the Secretary of State for Health and Social Care to use personally identifiable information without people’s consent where this is in the public interest. This is known as ‘Section 251’ approval and includes the use of the information collected by NHS Test and Trace to help protect the public from coronavirus. The part of the law that applies here is Section 251 of the National Health Service Act 2006 and the associated Health Service (Control of Patient Information) Regulations 2002.