

LEARNING OPPORTUNITIES

COVID-19 Testing Privacy Statement

THIS STATEMENT SHOULD BE READ IN CONJUNCTION WITH THE PRIVACY NOTICE DISPLAYED ON THE SCHOOL WEBSITE.

Ownership of the Personal Data

In order to complete the Covid-19 testing processes at Learning Opportunities it is necessary to process the personal data of staff and students who take part, including the need to share personal data where there is a legal obligation.

Learning Opportunities 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 under paragraph 7 of the Schedule to the Education (Independent School Standards) Regulations 2014.

Basis for collecting the Personal Data

In addition to our general obligations regarding the safeguarding and welfare of students, personal data relating to tests for students is collected in accordance with the GDPR under the following articles:

- Necessary to perform a task carried out in the public interest or in the exercise of official authority (GDPR Article 6, 1e)
- Necessary for reasons of public interest in the area of public health (GDPR Article 9, 2i)
- Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross border threats to health. (DPA 2018, Schedule 1, Part 1(3))

Personal Data relating to staff is processed under 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.

If you decline a test, we record your decision under the legitimate interest of the school in order to have a record of your decision 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 read the [Test and Trace Privacy Notice](#).

Learning Opportunities 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/carers 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 in school whilst it is needed. It will also be entered directly onto DHSC digital services for the NHS Test and Trace purposes. Schools 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

Staff, students or parents/carers (depending on contact details provided) will be informed of the result by the school and will be advised how to book a confirmatory test.

We will use this information to enact our 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 for up to 14 days and by the NHS for 8 years.

Processing of personal data relating to negative test results

We will record a negative result and the information will be transferred to DHSC, NHS, PHE and 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 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.

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 will not pay any charge for exercising your rights and if you make a request, we have one month to respond.

To make a request please contact us at lesleyb@learningopps.org

How to complain

If you are concerned about how we use your personal information, you can complain to us at lesleyb@learningopps.org

You may also complain to the ICO if you are unhappy with how we have used your data. The ICO's contact details are:

***Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,
Cheshire, SK9 5AF***

Helpline number: 0303 123 1113