



PRIVACY NOTICE FOR CORONAVIRUS – TRACK AND TRACE

Date	October 2020
Prepared by	DPO
Review Date	When restrictions lifted
Version	V1

Privacy Notice – Coronavirus - Track and Trace

All schools have an obligation to respond to the Government's advice on the Coronavirus and the development of the NHS 'Track and Trace' scheme is a key part of the Government's plan to manage Coronavirus

As our school have re-opened it has been our priority to ensure that the wellbeing and health and safety of our children, staff and their families is at the heart of our planning in order to ensure that our schools are safe places to return

Our responsibility extends beyond the school gates and we have a duty to respond to the government's guidance. We hold a lot of data and it may be necessary for us to share this data, when request to do so, with the Public Health NHS (National Health Service) Trace and Trace Workers.

We expect that we will be asked to provide details, including contact details, of any cases of Coronavirus (or a suspected case) that may arise within any of our schools within The Rose Learning Trust. We have an obligation to share this, and any other health data, as part of our Public Duty as set out below.

We will endeavour to contact any and all individuals directly do that we can manage the information and sharing of their data. However, in some cases we may be required to provide this to the new Public Health HS Track and Trace system

Please be assured that we will keep a record of information that we share

This Privacy Notice should be read alongside other General Data Protection Regulation (GDPR) and Data Protection Information on our website.

NHS Test and Trace – 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.

Test and Trace

Schools are in a very different 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, you cannot at the present time be forced to provide details. As a school it is more complicated.

If a person in a school has Covid or symptoms they will be sent home as will other people in school who have had contact and who may be at risk.

In school 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 of 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 settings, Public Health England's local Health Protection Teams will conduct a rapid investigation and will advise the schools and other settings on the most appropriate action to take'

So in this situation is it not a matter of giving consent to share the data, there is a Public Duty to do so As a Trust we will co-operate with such requests and we are under an obligation to share data.

At no point we will share data without a sound legal basis, but please be aware that we will share data where necessary.

Contact Us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our Data Protection officer: Deborah Temperton at DPO@roselearning.co.uk

Please also refer to our Data Protection Policy for further details on making requests for access to personal data. Individuals also have the right, in certain circumstances, to:

- Object to the processing of their personal data
- Have inaccurate or incomplete personal data about them rectified
- Restrict processing of their personal data
- Object to the making of decisions about them taken by automated means
- Have your data transferred to another organisation
- Claim compensation for damage caused by a breach of their data protection rights

If an individual wants to exercise any of these rights then they should contact DPO Deborah Temperton DPO@roselearning.co.uk

The law does not oblige the Trust/school to comply with all requests. If the Trust/school does not intend to comply with the request, then the individual will be notified of the reasons why in writing.

Privacy Policy Changes

Although most changes are likely to be minor, The Rose Learning Trust may change its Privacy Policy from time to time at The Rose Learning Trust's sole discretion.

Complaints

We take any complaints about how we collect and use your personal data very seriously, so please let us know if you think we have done something wrong.

You can make a complaint at any time by contacting our Data Protection Officer Deborah Temperton DPO@roselearning.co.uk

You can also complain to the Information Commissioner's Office in one of the following ways:

Online: <https://ico.org.uk/concerns>

Call: 0303 123 1113

Write to:

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