

Privacy Notice – Coronavirus - Track 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, 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 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.'

So 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

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

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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 plan to manage Coronavirus and as more pupils are returning to our schools, the safety and wellbeing of pupils, staff and their families is a priority.

We have been informed by the government that they have asked NHS test and trace workers to contact schools, should they need to do so, in the event of a pupil at the school having potentially come into contact with someone who has tested positive for coronavirus.

We will obviously comply with any such request, as our part in supporting this process. We are obliged to share data on the basis that this is a public duty (see below).

The only information that we will share will be contact details for the parents/carers of any child for whom we receive a request. We will keep a record, if there is a request for information sharing.

This privacy notice should be read alongside other GDPR and data protection information that is on our website.

If you have any questions about this matter, 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.

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