



Privacy Notice No:	006
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**Contact Details:** Please check the School Finder on the Caerphilly County Borough Council website for individual school contact details:  
<https://www.caerphilly.gov.uk/Services/Schools-and-learning/Schools>  
Alternatively, the *Starting School* booklet includes the contact details for all Caerphilly schools

**Description of Privacy Notice:** This privacy notice will explain how each school in Caerphilly will process personal information about pupils and families in relation to Covid-19 Contact Tracing.

## The purpose of this notice

This Privacy Notice explains how your personal information is processed by Caerphilly schools and the Local Education Authority (LEA) at Caerphilly County Borough Council as partner organisations working with others to deliver the contact tracing element of the NHS Wales Test, Trace, Protect service. Privacy Notices for your school are available on the school website or upon request from the school office.

Contact Tracing is a fundamental approach to public health practice. The aim is to protect public health and support ongoing work to control the spread of coronavirus by reducing the number of secondary cases of an infectious disease and the consequences of infection in subsequent cases. More information on contact tracing can be found on the Welsh Government website:  
[www.gov.wales/contact-tracing-your-questions](http://www.gov.wales/contact-tracing-your-questions)

In addition to the purpose of contact tracing your information may also be used, by us or partner organisations, for the following purposes.

- Understanding COVID-19 and risks to public health, trends in COVID-19 and such risks, and controlling and preventing the spread of COVID-19 and such risks
- Identifying and understanding information about patients or potential patients with or at risk of COVID-19
- Delivering services to patients, clinicians, the health services
- Research and planning in relation to COVID-19 (including potentially being invited to be part of clinical trials)
- Monitoring the progress and development of COVID-19

## How we will use your information

### Source and type of information being processed

If you have received a positive SARS-CoV-2 test, we may collect and process the following information about you:

- ❖ your name, date of birth, age category, gender, and NHS Number

- ❖ full address (including post code) and contact details
- ❖ disability, vulnerability, and ethnicity data
- ❖ physical or mental health conditions
- ❖ your job title, place of work, line manager and description of your work
- ❖ names, date of birth, and contact details of those in your household together with whether they were present during your infectious period
- ❖ names and contact details of others who you have been in contact with during your infectious period
- ❖ the places you have visited during your infectious period
- ❖ any symptoms of COVID-19 that you may have and if you have hospitalised with those symptoms.

**We may collect and process the below information about you if you have been identified as potentially having been in contact with an individual who has received a positive SARS-CoV-2 test during their contagious period:**

- ❖ your name, date of birth, gender and NHS Number
- ❖ full address (including post code) and email contact details
- ❖ disability, vulnerability, and ethnicity data
- ❖ your job title, place of work, line manager and description of your work
- ❖ names, date of birth, and contact details of those in your household
- ❖ any symptoms of COVID-19 that you may have and if you have hospitalised with those symptoms.

### **Source of the personal data**

Some of the personal information we process is provided to us directly by you, or your representative, to support the Local Authority with operating a COVID-19 Contact Tracing service (including providing advice and support to those that have been in contact with an individual who has received a positive SARS-CoV-2 test).

We also receive personal information indirectly from the below sources in the following scenarios:

- ❖ *If you have received a positive SARS-CoV-2 test:*  
your name, date of birth, address and contact details would have been provided to us by the Track, Trace, Protect (TTP) team following notification from your testing centre operated by one of the partner organisations.
- ❖ *If you have been identified as having been potentially in contact with an individual who has received a positive SARS-CoV-2 test:*  
your name, date of birth, address and contact details would have been provided to us by that individual, their representative, or the Track, Trace, Protect (TTP) team.

If you would like further information on the source of this information, please contact the school.

### **Why do we collect and use your information**

Caerphilly schools collect and process some of the personal data described above as part of their normal course of business to administer the education it provides to children and young people. For example:

- the provision of educational services to individuals;

- monitoring and reporting on pupils'/children's educational progress;
- the provision of welfare, pastoral care and health services;
- the giving of support and guidance to children and young people, their parents and legal guardians;

Additional information, such as the places you have visited and details of others you have been in contact with, is collected if a pupil, member of staff, or family member have either received a positive SARS-CoV-2 test, or have been identified as having been potentially in contact with an individual who has received a positive SARS-CoV-2 test.

Each individual school has the following role and responsibilities to support Covid-19 contact tracing testing of pupils and staff:

- ❖ Hold and be responsible for the care for their learners and staff members throughout the testing process
- ❖ Agree an internal mechanism for managing and monitoring referrals to the Local Education Authority (LEA)
- ❖ Be responsible for managing the collection of Lateral Flow Device (LFD) tests to individuals who would like to take part in regular testing.
- ❖ Undertake the assessment and triaging of their learners with the parent/carer or learner (if age appropriate) and deem them eligible for isolation/testing if they fulfil the definition of a possible case of COVID-19.
- ❖ Support contact tracing teams by providing initial advice around self-isolating and where individuals can find further information on health and well-being.
- ❖ Inform their learners and staff about the use of their personal information for the LFD test. This should include:
  - that their information will be shared with Aneurin Bevan University Health Board and Public Health Wales to process the test result and action accordingly;
  - that the individual's test results are shared with their school so they can action local arrangements in the event of a positive SARS-CoV-2 test.
- ❖ Supply individuals who would like to take part in regular testing with LFDs and maintain a record of testing kits distributed.
- ❖ To maintain a COVID-19 results register for the purpose of implementing local arrangements where a positive test is reported.

We also collect and use pupil information under Section 537A of the Education Act 1996 and section 83 of the Children Act 1989. We also comply with Article 6(1)(c) and Article 9 (2)(b) of the General Data Protection Regulation (GDPR).

### **Legal basis for processing**

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified.

The legal basis for processing your personal data for contract tracing purposes under the General Data Protection Regulation (GDPR) is:

*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*

The public task is provided by:

- Public Health (Control of Disease) Act 1984
- The Health Service (Control of Patient Information) Regulations 2002
- Coronavirus Act 2020
- The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020

Data Protection legislation provides extra protection for certain classes of information called 'special categories of personal data', which includes:

- Racial or ethnic origin
- Religious or other beliefs of a similar nature
- Political opinion
- Physical or mental health or condition
- Genetic data
- Biometric data (where used for identification purposes)
- Sexual life or orientation
- Trade union membership

Data Protection legislation also provides extra protection for personal data in relation to criminal allegations, proceedings, outcomes and sentences.

If any information falls within these definitions, an additional condition from Article 9 must be identified in order to process these classes of information, taking into account additional provisions of the Data Protection Act 2018. This is outlined below:

Article 9(2)(i) for special category data –  
*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 health care and of medical devices, on the basis of Union or Member State law which provides suitable and specific measures to safeguard the rights and freedoms of the data subject.*

Other applicable articles may include:

Article 9(2)(g) for special category data –  
*processing is necessary for reasons of substantial public interest on the basis of Union or Member State law; and Article 10 for criminal data – when the processing is authorised by Union or Member State law.*

Article 9(2)(h) for special category data –  
*processing is necessary for the purposes of preventative or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3.*

The relevant Member State law is the Data Protection Act 2018, and this processing is covered by Schedule 1, Part II, 6(1).

*This condition is met if the processing—*

- (a) is necessary for a purpose listed in sub-paragraph (2), and*
- (b) is necessary for reasons of substantial public interest.*

*(2) Those purposes are—*

- (a) the exercise of a function conferred on a person by an enactment or rule of law;  
(b) the exercise of a function of the Crown, a Minister of the Crown or a government department.

## Who will have access to your information?

### Identity of Data Controller and Data Protection Officer

The Data Controller for your information is the school you or your child attends.

The Data Protection Officer is contracted by the school to Caerphilly County Borough Council. You can contact the school Data Protection Officer on 01443 864049, or by email at [dataprotection@caerphilly.gov.uk](mailto:dataprotection@caerphilly.gov.uk)

## The organisations that are processing your personal data

Your data may be processed by one or more of the organisations listed below, depending on where you live and the contact you have through the contact tracing service.

- All 22 Welsh Local Authorities
- All 7 Local Health Boards
- Public Health Wales NHS Trust
- Velindre Hospital NHS Trust (through NHS Wales Informatics Service - NWIS)
- Welsh Ambulance Service Trust

All these organisations have the status of ‘**Joint Data Controller**’ and are all responsible for the personal data they process as a result. They are all party to an agreement across Wales that sets out how and why they process that information.

You can find contact details for your Local Health Board and other Local Authorities by visiting: <https://www.wales.nhs.uk/ourservices/directory/LocalHealthBoards>  
<https://www.wlga.wales/welsh-local-authority-links>

Public Health Wales provides specialist support, advice and leadership at a national level supported by NWIS who provide the digital platform. If you would like further information on how Public Health Wales handles your personal data, or how they work with data processors, please see their Privacy Notice by visiting: <https://phw.nhs.wales/use-of-site/privacy-notice/>

If you would like further information on how NWIS handles your personal data, or how we work with data processors please see our main Privacy Notice by visiting: <https://nwis.nhs.wales/use-of-site/privacy-policy/>

## Details of main users of your information

The main users of your information will be the school you or your child attends and the Local Authority.

### Details of sharing your information with other organisations

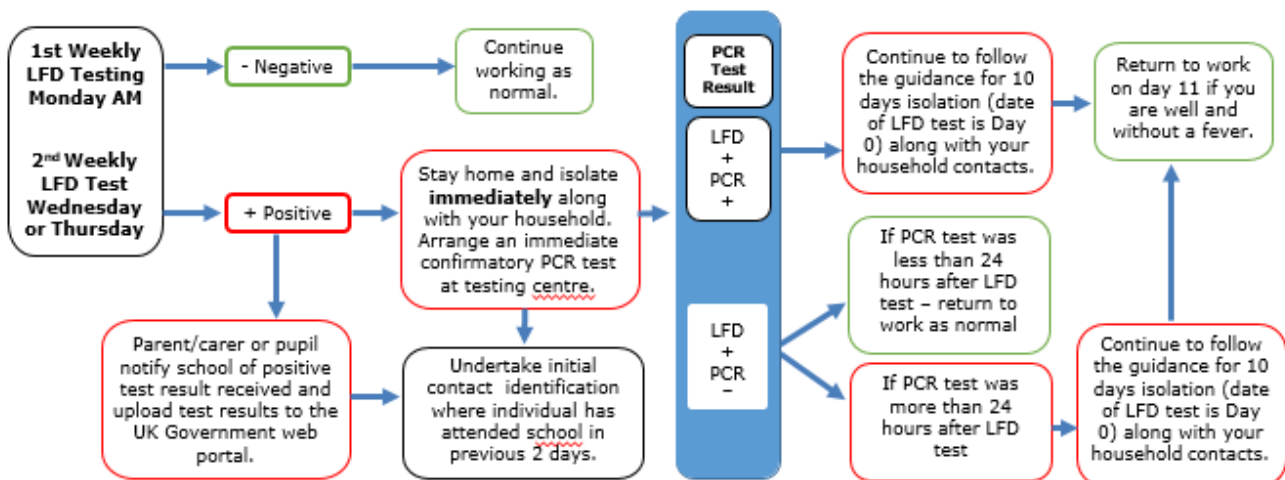
We may be required to share certain pupil information with specific organisations, but only with a clearly defined reason and an appropriate legal basis under data protection law.

We always ensure that the sharing of personal information is securely undertaken.

Organisation	Reason	Lawful Basis
Caerphilly County Borough Council  (including the Contact Tracing, Education, and Environmental Health teams)	To support the NHS Wales Test, Trace, Protect service in containing the spread of coronavirus. The service is delivered by a number of public sector partners working together, including Public Health Wales, Local Health Boards, Local Authorities, and the NHS Wales Informatics Service (NWIS). We are required to share your name, date of birth, and contact details (including address).	Compliance with a legal obligation (Art 6 GDPR) under Regulation 12 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 that requires reasonable measures to be taken to minimise the risk of exposure to coronavirus on premises open to the public and on any premises where work takes place, as well as to minimise the spread of coronavirus by those who have been on the premises.  <a href="http://www.gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open">www.gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open</a>
Aneurin Bevan University Health Board	To ensure that they can undertake the necessary Test, Trace, Protect activities and to conduct research and compile statistical information about Coronavirus.	Compliance with a legal obligation, public task, or legitimate interest (Art 6 UK GDPR)
Public Health Wales		Necessary for reasons of public interest in the area of public health (Art 9 UK GDPR)

Please refer to the Privacy Notice page for Caerphilly schools mentioned above for further information on what personal data Caerphilly schools share with organisations for educational purposes.

## Regular Testing Process for Schools



## Requests for information

All recorded information held by the school may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection legislation (General Data Protection Regulations 2016 and Data Protection Act 2018).

If the information you provide is subject to such a request, where possible, the school will consult with you on its release. If you object to the release of your information, we will withhold your information if the relevant legislation allows.

## How long will we retain your information?

### Details of retention period

Caerphilly schools hold personal data securely for the set amount of time documented in our data retention schedule. Personal data initially collected for educational purposes is retained by each individual school in line with guidance from the *Information Management Toolkit for Schools* created by the Information and Records Management Society:

[IRMS Schools Toolkit - Information and Records Management Society](#)

The personal data we share with Caerphilly County Borough Council is stored securely and kept only for as long as it is needed. Data will, therefore, be securely deleted/destroyed when no longer needed. Contract Tracing retention periods are as follows:

- The data collected for individuals who test positive with COVID-19 will be held for 7 years.
- The data collected on contacts of people with COVID-19, but do not have any symptoms, will be held for the minimum retention period of 5 years.
- Test results and information related to any ongoing conditions related to COVID-19 will also reside in your electronic health record for a longer period in accordance with normal NHS retention schedules.

## Your Rights (including Complaints Procedure)

### Your rights under data protection law

Data Protection laws give data subjects (those who the information is about) a number of rights, which include:

- **Right to be informed** how personal data is collected, stored, managed, protected, and processed.
- **Right of access** to request a copy of personal information held of yourself. However, please be aware that information can sometimes be legitimately withheld.
- **Right to rectification** of inaccurate or incomplete personal data.
- **Right to erasure** where you have the right to have your personal data erased in certain circumstances. This does not include any personal data that must be retained by law.
- **Right to restriction**, which allows you to limit the way we use your personal data in some circumstances.
- **Right to portability** gives an individual the right to receive copies of data provided to a controller in a portable format.
- **Right to object** to the processing of one's personal data; and the final one is the
- **Rights in relation to automated decision making and profiling.**

Children and young people have the same rights under data protection legislation, including a general right to be given access to personal data held about them by an organisation. A child or young person is normally deemed to be mature enough to understand their rights of access from the age of 12 years or over. Therefore, the child or young person should either submit an information request themselves directly to the school, or provide a letter of authority to give a third party (i.e. a parent or carer) consent to act on their behalf. A parent requesting information on behalf of a child would need to provide proof of ID and Parental Responsibility.

To enact your rights, please contact the school directly as detailed at the top of this document. A copy of any individual right request and your response will be kept for 3 years.

## **Complaints Procedure**

If you have any concerns about our use of your personal information, you can make a complaint by contacting the relevant organisation, as detailed above.

If you remain unhappy, you can contact the schools Data Protection Officer on 01443 864322 / [dataprotection@caerphilly.gov.uk](mailto:dataprotection@caerphilly.gov.uk)

You also have the right to ask the Information Commissioner, who enforces and oversees the Data Protection Act in the UK, to assess whether or not the processing of personal information is likely to comply with the provisions of our legislative responsibilities. Further information on your rights is available by visiting [www.ico.org.uk](http://www.ico.org.uk)

You can contact the Information Commissioner's Officer using the following address:

Information Commissioner's Office – Wales 2nd Floor  
Churchill House  
Churchill Way  
Cardiff  
CF10 2HH

Telephone 0330 414 6421  
Email: [wales@ico.org.uk](mailto:wales@ico.org.uk)