



Privacy Notice No:	008
Date Created:	01/04/2021
Date Published:	26/05/2021
Version Number:	1.1
Document ID:	

Contact Details: Please check the School Finder on the Caerphilly County Borough Council website for individual school contact details:

www.caerphilly.gov.uk/Services/Schools-and-learning/Schools

Alternatively, the *Starting School* booklet includes the contact details for all Caerphilly schools

Privacy Notice Name: COVID 19 – Lateral Flow Testing – rapid self-testing via a Caerphilly County Borough Council school

Description of Privacy Notice: This Privacy Notice will explain how each school within the Caerphilly County Borough will use personal data in respect of the rapid self-testing for Covid-19 process via our schools.

How we will use your information

Source and type of information being processed

The categories of personal data that we collect, hold and share include:

- Name
- Unique code assigned to each individual test, which will become the primary reference number for the tests.
- Test result

For more information about what the Department of Health and Social Care (DHSC) do with your data, please see their [COVID-19 Privacy Notice](#).

Source of the personal data

This information has been collected from pupils and families directly. Please contact the school if you would like further detail on the source of this information.

Test Kit Log

The Medicines and Healthcare Products Regulatory Agency (MHRA) require that the Local Authority keep a test kit log for all tests that are provided for use at home. This is so you can be contacted in the event of a batch recall, investigations, or issuing of a safety notice. Information collected includes:

- First/last name and contact details (i.e. telephone number and email address)
- Details of batch number for the test kits you receive
- First and last name of the operator distributing the Home Test Kits

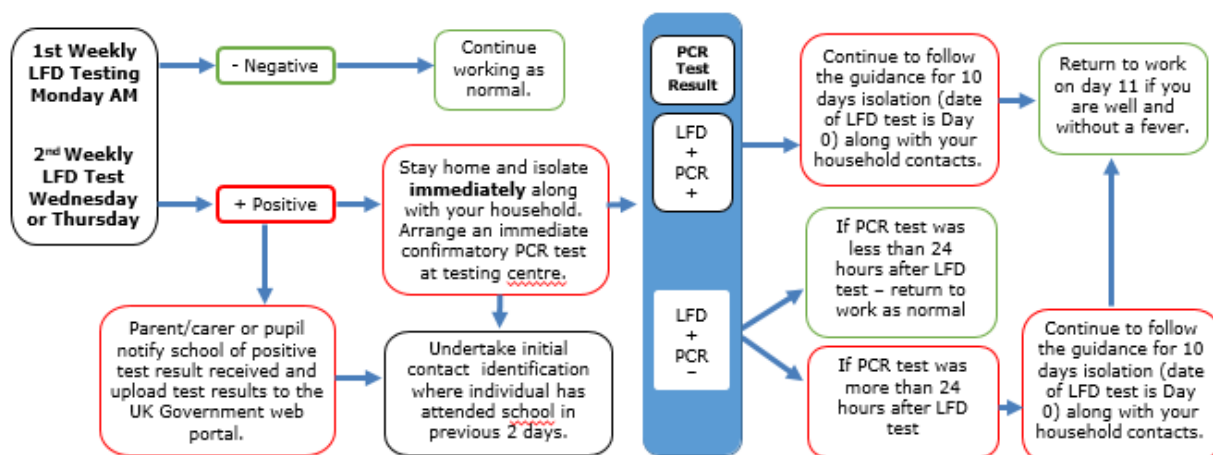
For this Test Kit Log, the school is acting as a 'processor' of DHSC and this information will be securely transferred to DHSC. For more information about what DHSC do with your data, please visit their [COVID-19 Privacy Notice](#).

Purpose and legal basis for using your information

Purpose of processing

The aim of rapid self-testing is to quickly identify those who are unknowingly carrying the virus so they can self-isolate. These tests will help reduce the risk of transmission and the impact that coronavirus has on face-to-face education and childcare. Pilots in Wales and the wider UK have shown how routine, rapid testing can be used effectively and have positive impacts in schools and other settings. The tests also give a much clearer picture of what is really happening in schools/settings and provide reassurance to the wider community.

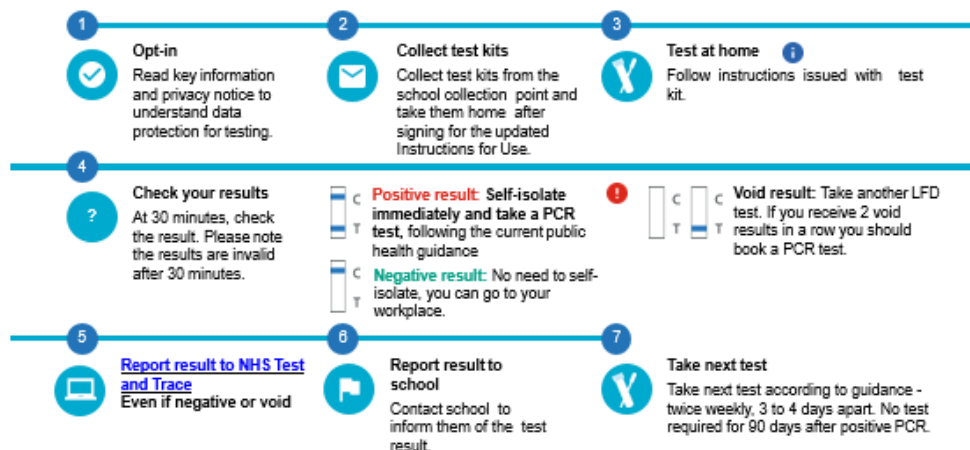
Regular Testing Process for Schools



Lateral Flow testing involves the processing of nasal and throat swab samples with a Lateral Flow Device (LFD). The device detects a protein called 'antigen' that is produced by the virus. Education settings will have access to LFDs for distribution to any eligible individuals that would like to take part. This enables anyone who is eligible to undertake a test for coronavirus at home twice a week. The LFDs provide a result within 30 minutes and do not require a laboratory to process.



Testing at home – the process



Education settings will be supplied with at home Lateral Flow Device (LFD) test kits and manage the collection of tests (7 in a box) to individuals who would like to take part in regular testing.

Legal basis for processing

In order for the processing of personal data to be lawful under the UK General Data Protection Regulations, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

- (f) *processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.*

Data Protection legislation provides extra protection for certain classes of information called 'special category personal data'. If any information falls within the definition of special category personal data (such as health data) then an additional condition from Article 9 of the Regulations must be identified, as outlined below:

- (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 health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy*

In respect of the above Article 9 condition, an additional condition from Schedule 1 of the Data Protection Act 2016 must also be identified, as outlined below:

- (3) *This condition is met if the processing—*
- (a) *is necessary for reasons of public interest in the area of public health, and*
(b) *is carried out—*
- (i) *by or under the responsibility of a health professional, or*
(ii) *by another person who in the circumstances owes a duty of confidentiality under an enactment or rule of law.*

Personal 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) that 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.

Why do we collect and use your information

To contact you in relation to the Test Kit Log as explained above. The DHSC use information that is provided to them when test kits are registered and when test results are reported. This helps them to understand:

- geographic and sector distribution of test kits;
- registration of test kits provided vs kits received;
- how we might further encourage registration;
- if there are any groups they are currently not reaching out to (distribution of self-test kits); and
- how to ensure equitable uptake of test kits across under-represented groups.

Processing of Personal Data Relating to Positive test results

After uploading test results to the UK Government web portal (see below for details) information from DHSC will flow to Public Health Wales and the positive result is entered into the Welsh Test Trace & Protect system. The school will use this information to enact our own COVID isolation and control processes without telling anyone within the school community who the individual is that has received the positive test.

Processing of Personal Data Relating to Negative and Void test results

The school will record a negative and void result for the purpose of stock controls of tests and general performance of the testing process.

Who will have access to your information

Identity of Data Controller for Pupil/Learner Data

The Data Controller for data needed to manage tests and action local arrangements in the event of a positive test is the school you or your child attends.

Please check the school website for further information on how the school will use your information for educational purposes.

Identity of Data Controller for Staff Data

The Data Controller for the results register data is the school(s) you are, or have been, employed in. This is for the purpose of implementing local arrangements where a positive test is reported.

For the purpose of the management of test kits, the Local Authority will be the Data Controller for the data required. Caerphilly CBC may also record Personal Data about you in its internal COVID-19 results register.

Please contact your Line Manager or Headteacher for further information on how the school and Caerphilly CBC will use your information as school-based employees.

Data Protection Officer

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

Ownership of the Personal Data pupils and families share with DHSC

The results must be reported every time a pupil uses a lateral flow test. Therefore, the Department for Health and Social Care (DHSC) is the Data Controller for the information that you transfer to them about you and your test results.

Please read both this Privacy Notice and the DHSC [COVID-19 Privacy Notice](#) to understand how your personal data is used prior to taking a test.

COVID-19 test results

Parents/carers and the pupil (if age appropriate) are responsible for reporting a COVID-19 rapid lateral flow test result to the NHS via the UK Government online results portal. More details can be found here: [Report a COVID-19 test result - GOV.UK \(www.gov.uk\)](https://www.gov.uk/report-a-covid-19-test-result).

This information will be used by the school to ensure that those pupils with a positive COVID-19 test do not attend school during the designated isolation period. This is for the safety of other pupils/staff and ensures that those pupils with a negative COVID-19 test return to school as promptly as possible.

If you test **positive**, you should book a confirmatory PCR test. This can be done via <https://gov.wales/getting-tested-coronavirus-covid-19>. You will then enter the NHS Wales Contact Tracing process and further information on this process is available here: www.wales.nhs.uk/documents/NHS%20Wales%20Test%20Trace%20Protect%20-%20Privacy%20Notice.pdf

Ownership of the Personal Data staff share with DHSC

The results must be reported every time a member of staff uses a lateral flow test. More details can be found here: [Report a COVID-19 test result - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

The Department for Health and Social Care (DHSC) is the Data Controller for the information that you transfer to them about you and your test results. For more information about what the DHSC do with your data, please see their [COVID-19 Privacy Notice](#).

Please read both this Privacy Notice and the DHSC [COVID-19 Privacy Notice](#) to understand how your personal data is used prior to taking a test.

Details of main users of your information

The main users of your information will be:

- the school you or your child attends
- the school(s) you are, or have been, employed in
- Caerphilly County Borough Council
- Department of Health and Social Care
- The Medicines and Healthcare Products Regulatory Agency
- Public Health Wales
- NHS Wales

Details of sharing your information with other organisations

We are 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.

The personal data associated with test results will be shared with:

Organisation	Reason	Lawful Basis
Caerphilly County Borough Council	To undertake local public health duties and to record and analyse local spreads.	Compliance with a legal obligation, public task, or legitimate interest (Art 6 UK GDPR)

Welsh Government		Necessary for reasons of public interest in the area of public health (Art 9 UK GDPR)
Department for Health and Social Care (DHSC)	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)
NHS Wales		Necessary for reasons of public interest in the area of public health (Art 9 UK GDPR)
Public Health Wales		
Your GP	The NHS may share the information you provide with your GP to maintain your medical records and to offer support and guidance as necessary. Any data you provide to the education setting will not be shared with your GP.	Compliance with a legal obligation, public task, or legitimate interest (Art 6 UK GDPR) Necessary for reasons of public interest in the area of public health (Art 9 UK GDPR)

Personal Data in the education setting Test Kit log will be shared with DHSC to identify which test kit has been given to which individual in the event of a product recall. The school will not share its internal COVID-19 results register with the DHSC.

Requests for information

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

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

The education setting will:

- maintain a Test Kit Log that will record details of the testing kit provided to you against your name and contact details
- record Personal Data about you in its internal COVID-19 results register.

This information will be stored securely on locally managed systems with appropriate access controls in place to ensure the data is only accessible to school-based staff involved in the management of tests and implementing local arrangements where a positive test is reported.

Schools will retain its Test Kit log for a maximum of 12 months from date of collection and will delete sooner if required to do so by DHSC. The COVID-19 results register will be retained for a minimum of 14 days to 1 month after the last entries inputted by the school.

DHSC will retain information for up to eight (8) years. Please see the [COVID-19 Privacy Notice](#) for more information about what the DHSC do with your data.

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 ones 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. Therefore, a parent/carer who wishes to enact these rights on behalf of a child will need to provide proof of ID and Parental Responsibility. Where a child or young person is aged 12 years of over, they are normally deemed to be mature enough to enact these rights themselves. As a result, the parent/carer will also need proof of consent from the child or young person to enact these rights on their behalf.

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 are unhappy with the way that the school has handled your request / information, you have the right of complaint. Please contact the school directly outlining your concerns in the first instance.

If you remain unhappy, you can contact the schools Data Protection Officer on 01443 864322 / 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

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