



## **PRIVACY NOTICE FOR THE AQUINAS CHURCH OF ENGLAND EDUCATION TRUST (The Trust)**

### **REGARDING THE COVID-19 PANDEMIC.**

All schools have an obligation to follow the Government's guidance on the COVID-19 Pandemic and co-operate with Public Health England and the NHS (National Health Service) 'Test and Trace' scheme in order to support the national response to the Covid-19 Pandemic.

As our academies re-open it is our priority to ensure the wellbeing and health and safety of our children, their families and staff, this remains at the heart of our planning in order to ensure that our schools are safe places.

We process personal data on pupils, staff, parents. Contractors, volunteers and visitors as detailed in the privacy notices provided to each category of data subject. We collect and use personal data under the following lawful bases:

- a. where we have the consent of the data subject (Article 6 (a));
- b. where it is necessary for compliance with a legal obligation (Article 6 (c));
- c. where processing is necessary to protect the vital interests of the data subject or another person (Article 6(d));
- d. where it 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 (Article 6 (e)).

Where the personal data we collect about pupils is sensitive personal data, we will only process it where:

- a. we have explicit consent;
- b. processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and / or
- c. processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject. In addition, the processing satisfies one of the requirements of 1 Part 2 of the DPA.

As a result of the pandemic, we may need to process sensitive personal data, for example, if you inform us that you or a member of your household or a person you have come into contact with has the symptoms of coronavirus (Covid-19), or if you have a confirmed case of COVID-19 or if you have been asked to self-isolate by the NHS Test and Trace system. In addition, staff and pupils may inform us about people they are living with and/or caring for who are clinically vulnerable or clinically extremely vulnerable.

It is likely that the above personal data will usually be obtained from you directly (or your employer in the case of contractors working at the school) and / or the local health protection team or local authority (for example, if they become aware that someone who has tested positive for coronavirus has attended the school).

It may be necessary for us to share certain personal data, when requested to do so, with the public health agencies or bodies, NHS Test and Trace, local authorities and the Department for Education. We expect that we will be asked to provide details, including contact details, of any cases of COVID-



19 (or a suspected case) that may arise within any of our academies. In doing so, we do not require your consent we will be relying on the lawful basis detailed at (d) and (c) detailed above where we are satisfied that such processing is necessary. We will keep a record of any information shared.

The Trust will only collect, retain and share the minimum amount of information necessary to fulfil the purposes set out above. We will not share the personal data unless it is lawful to do so. Therefore, if the local health protection team (or other relevant agencies) confirm that it is sufficient to share anonymised information with them (which will therefore not be personal data), we will do so.

This Privacy Notice should be read alongside other General Data Protection Regulation (GDPR) and Data Protection information on The Trust website and the privacy notice provided to you by the Academy.

### **NHS Test and Trace – the Law**

The law on protecting personally identifiable information, known as the GDPR allows Public Health England to use personal information collected by NHS Test and Trace. The section of the GDPR 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.

Further to the above, please see the Privacy Notices for Public Health England (PHE) and NHS Test and Trace:

<https://www.gov.uk/government/publications/phe-privacy-information/covid-19-privacy-information>

<https://contact-tracing.phe.gov.uk/help/privacy-notice>

Further information as to how PHE will use your personal data can be found via the attached link:

<https://www.gov.uk/government/publications/phe-privacy-information/covid-19-privacy-information> .

### **Individual Data Protection Rights**

Under data protection legislation, all individuals have the right to request access to information about them that we hold (“Subject Access Request”). Where a pupil does not have the maturity to make their own requests for personal data, parents may do so on their behalf.



From the age of 13, we generally regard pupils as having the capacity to exercise their own rights in relation to their personal data. This means that where we consider a pupil to have sufficient maturity to understand their own rights, we will require a Subject Access Request to be made by the pupil and not their parent(s) on their behalf. This does not affect any separate statutory right parents might have to access information about their child.

To make a request for your personal data or that of your child, contact one of the following; although any written request for personal data will be treated as a Subject Access Request.:

The Trust's Data Protection Officer: Mary Capon by writing to her at Aquinas Trust, Magpie Hall Lane, Bromley BR2 8HZ or emailing her at [info@aquinatrust.org](mailto:info@aquinatrust.org) and inserting 'subject access request' in the subject box.

Subject to the section below, the legal timescales to respond to a Subject Access Request is one calendar month. As there are limited staff resources outside of term time, we encourage parents / pupils to submit Subject Access Requests during term time and to avoid sending a request during periods when the Trust/ Academy is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. For further information about how we handle Subject Access Requests, please see the Trust's Data Protection Policy.

You also have the right to:

- restrict or object to processing of personal data, although this is not an absolute right and we may need to continue to use your information – we will tell you why if this is the case;
- prevent processing for the purpose of direct marketing;
- object to decisions being taken by automated means;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of our data protection responsibilities.

If you have a concern about the way we are collecting or using pupil data, you should raise your concern with us in the first instance by contacting the Trust's data protection officer or the Academy's data protection lead. Alternatively, you can contact directly the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact:

If you have any queries regarding this notice or the use of pupil personal information, please contact:

- The Trust's data protection officer, Mary Capon, who can be contacted by writing to her at The Trust's offices are at Magpie Hall Lane, Bromley BR2 8HZ, by emailing [info@aquinatrust.org](mailto:info@aquinatrust.org) or calling 0203949 7000.
- Alternatively, you can contact the head of school, Mr Finch or the Academy's data protection lead Mrs Stewart, [admin@tudham.bromley.sch.uk](mailto:admin@tudham.bromley.sch.uk), 01959 572673.