

Privacy Notice for Lateral Flow Testing

Data Protection Principles

To enable the COVID-19 testing to be completed by Invictus Education Trust, we need to process personal data for staff and students taking part, including sharing of personal data where we have a legal obligation.

Invictus Education Trust is the Data Controller for the data required for processing the tests and undertaking any actions which are needed by our schools to ensure we meet our public health and safeguarding legal obligations.

If you decline a test, we record your decision under the legitimate interest of school in order to have a record of your decisions and to reduce unnecessary contact with you regarding testing.

We will comply with data protection law, which states that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about
- Kept securely.

Invictus Education Trust is the Data Controller

Invictus Education Trust is the Data Processor

Data Protection Officer – Mrs Julie Duern, Chief Operating Officer

Description of the Personal Data that will be processed

Your personal and special category will be processed as follows:

Personal data processed:

- Full name
- Email
- Personal Phone number (if known)
- Job Role
- School/Location
- Parent/Guardian contact details where required
- Gender
- Date of Birth
- Address & Postcode of residence

Special category data processed:

- Data concerning health:
 - Ethnicity
 - Date of test/s performed
 - Unique Barcode of Test Strip
 - Time of test performed
 - Lot number of test strip

- Result - Positive, Negative or Invalid

How we will collect the Personal Data

Data we already hold about you from your HR record:

- Full name
- Email
- Personal phone number
- Job Role
- School/Location
- Gender
- Date of Birth
- Address & Postcode

New data you will provide through LFT process:

- Test result
- Lot number of test strip
- If invalid, confirmation of repeat test
- Comments/feedback on using the test

Purpose of processing the above personal data is to verify your identity
GDPR Conditions for processing personal data – Article 6 (e) Public Task

Purpose of processing special data concerning health – to test whether you have COVID 19
GDPR Conditions for processing special category data – Article 6 (e) Public Task,
DPA Conditions 2018 Schedule 1 (part 1 & 2) Assessment of the working capacity of an employee.

Processing of Personal Data Relating to Positive Test Results

The member of staff, student or parent/carer (depending on contact details provided) will be informed of the result by the school and advised how to book a confirmatory test. We will use this information to enact their own COVID-19 isolation processes without telling anyone who it is that has received the positive test. The information will be transferred to the DHSC, who will share this with the NHS, GPs. Public Health England (PHE) and the Local Government will use this information for wider test and trace activities as well as statistical and research purposes. This information is processed and shared under obligations set out in Public Health legislation under Regulations 3(1) and (4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) which allows the sharing of data for COVID-19 related purposes. This information will be kept by the school for up to 14 days and by the NHS for 8 years.

Processing of Personal Data Relating to Negative test results

We will record a negative result and the information transferred to DHSC, NHS. PHE and the Local Government who will use the information for statistical and research purposes. This information is processed and shared under obligations set out in Public Health legislation under Regulations 3(1) and (4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) which allows the sharing of data for COVID-19 related purposes. This information will be kept by the school for up to 14 days and by the NHS for 8 years.

Processing of Personal Data relating to declining a test

We will record that you have declined to participate in a test and this information will not be shared with anyone.

Data Sharing Partners

The personal data associated with test results will be shared with

- DHSC, NHS and PHE to ensure that they can undertake the necessary Test and Trace activities and to conduct research and compile statistic about Coronavirus.
- Your GP to maintain your medical records and to offer support and guidance as necessary

- Local Government to undertake local public health duties and to record and analyse local spreads.

International transfers

Your persona data is stored within the Trust and where applicable with PHE in the UK

Automated decision making, including profiling

No automated decision making or profiling is involved.

Changes

Any changes to this Privacy Notice will be communicated to staff, students, parents/guardians.

Your Rights

Under data protection law, you have rights including:

- Your right of access - You have the right to ask us for copies of your personal information.
- Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances.
- Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances.
- Your right to object to processing - You have the right to object to the processing of your personal information in certain circumstances.
- Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.
- You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Measures in place to ensure data security

The information will be stored securely on spreadsheets. It will also be entered directly onto the Department for Health & Social Care (DHSC) for Track and Trace purposes. Invictus Education Trust does not have access to the information stored on the DHSC database.

Right to complain to the Supervisory Authority

You have the right to make a complaint if you feel unhappy about how we process your information. We recommend contacting our Data Protection Officer Mrs Julie Duern, email: jduern@invictus.education Tel: 01384 686527 initially to talk through any concerns that you may have.

If you remain dissatisfied following the outcome of your complaint, you may then wish to contact the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Web: <https://ico.org.uk/concerns> or call 0303 123 1113. Please note; that the Information Commissioner will not normally consider an appeal until you have exhausted your rights of complaint to us directly.