



Kindness Empathy Respect Responsibility Honesty Resilience

Hospital and Home Education learning Centre - Privacy Notice – Coronavirus – Track & Trace

June 2020 update

Responding to the Coronavirus advice from the Government is an obligation on all schools in England. The development of the NHS 'Track and Trace' scheme is a key part of the government plan to manage Coronavirus. As we respond to Government guidance and the wider opening of schools, the safety and well-being of pupils, staff and their families is a priority. Plans to manage a safe return are in place, however our responsibility extends beyond the school gates.

We hold a lot of data and, as part of our statutory duty, it *may* be necessary for us to share that data on request by Public Health with NHS Track & Trace workers, so that we play our part in making the programme as effective as possible. It is likely that we will be asked to provide contact details if a case of Coronavirus or a suspected case arises in our Trust/school. There is an obligation to support Government planning and we will provide details if requested to do so. We will be sharing data on the basis that this is a Public Duty (see below) and that, in the case of any health data, it is necessary for the public interest, as set out.

Our first response will be to try to make contact with individuals directly ourselves to manage information and sharing data. However, in some cases we may be required to provide it to the new service. Please be assured that we will keep a record of information that we share.

This Privacy Notice should be read in alongside the other GDPR and Data Protection on our website.

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.

Rights of Employees Students and young people in relation to their personal data

All our employees, students and young people have the right to request access to personal data that we hold about them. To make a request for access to their personal data, individuals should contact:

DPO Nicola Kelleher email: admin@hhe.nottingham.sch.uk

Please also refer to our Data Protection Policy for further details on making requests for access to personal data.

Individuals also have the right, in certain circumstances, to:

- Object to the processing of their personal data
- Have inaccurate or incomplete personal data about them rectified
- Restrict processing of their personal data
- Object to the making of decisions about them taken by automated means
- Have your data transferred to another organisation
- Claim compensation for damage caused by a breach of their data protection rights

If an individual wants to exercise any of these rights then they should contact DPO Nicola Kelleher email: admin@hhe.nottingham.sch.uk

The law does not oblige the school to comply with all requests. If the school does not intend to comply with the request, then the individual will be notified of the reasons why in writing.

Concerns

If an individual has any concerns about how we are using their personal data, then we ask that they contact our Data Protection Officer in the first instance. An individual can also contact the Information Commissioner's Office should they consider this to be necessary, at <https://ico.org.uk/concerns/>.

Contact

If you would like to discuss anything in this privacy notice, please contact: DPO Nicola Kelleher email: admin@hhe.nottingham.sch.uk