

Chelmsford College Group

Personal Data Privacy Notice – COVID-19 Asymptomatic Rapid LFD Testing

Manager Responsible: Director of Information Services

Version Number: 2.0

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Approved by:	Data Protection Working Group
Minute number:	
Ratified by:	Senior Management Team
Minute number:	
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Author / Editor:	HodgesS@chlemsford.ac.uk

Intended Audience: <i>(Check appropriate box)</i>			
Staff:	<input checked="" type="checkbox"/>	Governors:	<input checked="" type="checkbox"/>
Students:	<input checked="" type="checkbox"/>	External:	<input type="checkbox"/>

AMENDMENT SUMMARY

<u>Version</u>	<u>Date</u>	<u>Remarks</u>
1.0	13 Jan 2021	Initial Publication
2.0	25 Feb 2021	Revision of Terms of Consent to reflect current guidance

Age, Disability, Gender & Race Equality Statement

Age, Disability, Gender and Race Equality Impact Measures will be set and monitored through analysis of all data related to potential suspected or actual abuse of this policy.

A copy of the Equality Impact Assessment Initial Screening Form is attached as an Annex to this document

NOTICE ABOUT HOW WE USE YOUR PERSONAL INFORMATION

We are the data controller of personal information about you. We are Chelmsford College Group. Our address is:

102 Moulsham Street
Chelmsford
Essex
CM2 0JQ

Our Data Protection Officer is Mark Emerson, Director of Information Services. If you have any questions about this policy or the ways in which we use your personal information, please contact our Data Protection Officer at:

DataProtection@chelmsford.ac.uk.

This privacy notice has been prepared in accordance with the UK General Data Protection Regulation ("UK-GDPR") and the Data Protection Act 2018.

To enable the COVID-19 testing to be completed by the College, we need to process personal data for staff and learners taking part, including sharing of personal data where we have a legal obligation. Chelmsford College is the Data Controller for the data required for processing the tests and undertaking any actions which are needed by the college to ensure we meet our public health and safeguarding legal obligations.

Whilst consent is not the basis on which we are processing this personal data, each individual will have to explicitly agree to undertake the test process. A form for Consent to participating in testing is at Annex A¹. If you decline to participate in testing, we will record your decision under the legitimate interest of college. This is in order to have a record of your decisions and to reduce unnecessary contact with you regarding testing.

Data Controllorship is passed to the Department for Health and Social Care (DHSC) for all data that we transfer about you and your test results to them. For more information about what they do with your data please see the Test and Trace [Privacy Notice](#)². The establishment remains the Data Controller for the data we retain about you.

You have certain rights, including how to get a copy of your data, how to get it corrected or deleted, and how to complain. **These rights are set out in more detail below.**

Additional [specific rights you have over your personal data](#) are included at the end of the document.

Testing participants

What would you like to learn more about?

[the information we collect about you and why we collect it](#)

[how information about you will be used](#)

¹ In most cases this will be completed electronically via MSW Forms.

² <https://contact-tracing.phe.gov.uk/help/privacy-notice>

[how direct marketing will be conducted](#)
[the legal basis on which we collect and use your personal information](#)
[how long we keep your personal information](#)
[how we share your personal information](#)
[where your information is kept](#)
[how we transfer your personal information outside Europe](#)
[automated decisions we take about you](#)

THE INFORMATION WE COLLECT ABOUT YOU AND WHY WE COLLECT IT

We use the following information to help us manage and process the tests:

- Name
- Date of birth (and year group)
- Gender
- Ethnicity
- Home postcode
- Email address
- Mobile number
- Unique barcode assigned to each individual test and which will become the primary reference number for the tests
- Test result
- Parent/guardians contact details (if required)

We will only use information that is collected directly from you specifically for the purpose of the tests, even if you have previously provided us with this information.

We use CCTV at our buildings for the purposes of crime prevention, security and health and safety and, accordingly, are likely to capture imagery of those accessing the test site.

HOW INFORMATION ABOUT YOU WILL BE USED

The information you give will be used to provide the testing service in accordance with the procedures laid down by the NHS Test and Trace Service.

Processing of Personal Data Relating to Positive test results

The member of staff, learner or parent (depending on contact details provided) will be informed of the result by the school/college and advised how to book a confirmatory test. We will use this information to enact our own COVID isolation processes without telling anyone who it is that has received the positive test.

The information will be transferred to DHSC, who will share this with the NHS, GPs. PHE and the Local Government will use this information for wider test and trace activities as well as statistical and research purposes.

Processing of Personal Data Relating to Negative test results

We will record a negative result and transfer the information to DHSC, NHS, PHE and Local Government who will use the information for statistical and research purposes.

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

MARKETING

No data provided in connection with COVID-19 asymptomatic testing will be used for marketing purposes.

THE LEGAL BASIS ON WHICH WE COLLECT AND USE YOUR PERSONAL INFORMATION

Any information provided as part of the testing regime 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 related purposes.

Special category personal data is processed under the provisions Section 9.2(i) of GDPR, where it is in the public interest on Public Health Grounds. This 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 (COPI)) which 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.

HOW LONG WE KEEP YOUR PERSONAL INFORMATION

We will only retain your personal data for as long as necessary to fulfil the purposes for which we collected it, including for the purposes of satisfying any legal, accounting, or reporting requirements. In general, this will be for at least 14 days.

The information will be kept by the NHS for 8 years.

Consent Forms must be kept securely for a minimum of 14 days, and subsequently be destroyed within 1 month of the testing programme ending.

HOW WE SHARE YOUR PERSONAL INFORMATION

Organisation	Purpose
DHSC, NHS, 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.

WHERE YOUR INFORMATION IS KEPT

The information you provide will only be stored securely on local spreadsheets or other data repositories within the College's password protected MIS whilst it is needed. It will also be entered directly onto DHSC digital services for the NHS Test and Trace purposes. The College will not have access to the information on the digital service once entry has been completed.

HOW WE TRANSFER YOUR PERSONAL INFORMATION OUTSIDE EUROPE

In this context, we will not store or transfer your personal data outside Europe.

AUTOMATED DECISIONS WE TAKE ABOUT YOU

We do not make automated decisions using this personal data.

YOUR RIGHTS OVER PERSONAL INFORMATION

You have a number of rights over your personal information, which are:

- the right to make a complaint to the Information Commissioner's Office (ICO) if you are unhappy about the way your personal data is being used – please refer to the ICO's website for further information about this (<https://ico.org.uk/>);
- the right to ask us what personal information about you we are holding and to have access to a copy of your personal information;
- the right to ask us to correct any errors in your personal information;
- the right, in certain circumstances such as where our use of your personal information is based on your consent and we have no other legal basis to use your personal information, to ask us to delete your personal information;
- the right, in certain circumstances such as where we no longer need your personal information, to request that we restrict the use that we are making of your personal information;
- the right, in certain circumstances, to ask us to review and explain our legitimate interests to you; and

- the right, where our use of your personal information is carried out for the purposes of an agreement with us and is carried out by automated means, to ask us to provide you with a copy of your personal information in a structured, commonly used, machine readable format.

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.

How to Complain

If you have any concerns about our use of your personal information, you can make a complaint to us using the details at the top of Page 1.

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113

CHANGES TO OUR PRIVACY POLICY

We keep our privacy policy under regular review and will update it from time to time to make sure it remains up-to-date and accurate.

Consent Form for COVID-19 Testing in Colleges

Introduction

This consent form is for participation in tests designed to detect asymptomatic coronavirus cases. Anyone experiencing symptoms should follow [government guidelines](#)³ to self-isolate, even if they have had a recent negative lateral flow test.

Consent relates to the following groups of students/pupils and staff as follows:

- **For pupils and students younger than 16 years** - this form must be completed by the parent or legal guardian. Please complete one consent form for each child you wish to participate in testing.
- **Learners over 16 who are able to provide informed consent** - can complete this form themselves, having discussed participation with their parent / guardian if under 18.
- **For any learner who does not have the capacity to provide informed consent** - this form must be completed by the parent or legal guardian. Please complete one consent form for each child you wish to participate in testing.
- **Staff** will complete this form themselves.

Terms of consent

1. I have had the opportunity to consider the information provided by the College about the testing, ask questions and have had these answered satisfactorily, based on the information presented in the widely distributed information emails, and/or information distributed via Teams, and the attached Privacy Notice.
2. In the case of under 16s, I have discussed the testing with my child and my child is happy to participate. If on the day of testing they do not wish to take part, then they will not be made to do so, and consent can be withdrawn at any time ahead of the test.
3. I consent to having / my child having a nose and throat swab for lateral flow tests. I / my child will self-swab if I / my child is able to, otherwise I understand that assistance is available. In the case of under 16s or learners who are not able to provide informed consent, I have discussed the testing with my child, and they are happy to participate and self-swab (with assistance if required).
4. I understand that there may be multiple tests required and this consent covers all tests for the below named person. If, on the day of testing I / they do not wish to take part, then I understand I / they will not be made to do so, and that consent can be withdrawn at any time ahead of the test.
5. I consent that my / my child's sample(s) will be tested for the presence of COVID-19.

³ <https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection>

6. I understand that if my /my child's result(s) are negative on the lateral flow test I will not be contacted by the College except where I am / they are a close contact of a confirmed positive.
7. If the lateral flow test indicates the presence of COVID-19, I commit to ensuring that I / my child is removed from school premises as promptly as possible, bearing in mind I / they may have some anxiety following a positive test result.
8. I understand that I / they will need to self-isolate following a positive lateral flow test result.
9. I agree that if my / my child's test results are confirmed to be positive from this lateral flow test, I will report this to the school / college and I understand that I/ my child will be required to self-isolate following public health advice.
10. I understand that if a close contact of my child tests positive that my child will self-isolate for 10 days in line with Government guidance.

COVID-19 Testing Consent Form

SUBJECT'S DETAILS

<i>Learner Reference or Staff Number</i>	<input type="text"/>	*	<i>Date Form Completed:</i>	<input type="text"/>	*
<i>Last Name:</i>	<input type="text"/>	*	<i>First Name:</i>	<input type="text"/>	*
<i>Birth Date:</i>	<input type="text"/>	*	<i>Tutor Group or Department:</i>	<input type="text"/>	

Information For DHSC Research Purposes:

Gender: Male: Female:

Ethnicity: Asian or Asian British: Prefer Not to Say:

Black, African, Black British or Caribbean:

Mixed or multiple ethnic groups:

White:

CONSENT FOR TESTING

Is the Subject currently showing any COVID-19 Symptoms? Yes No

Subject's Home Postcode * |

Email Address - for the receipt of test results * |

Mobile Number - for the receipt of test results (Results cannot be sent to a landline number) |

Name of Parent / Guardian Giving Consent (If applicable) |

Relationship to Test Subject (If applicable) |

I am aware that a privacy notice has been published detailing how the personal data provided as part of the testing process will be processed and shared.

I have read and agree to the 'Terms of Consent' associated with the agreement to this medical procedure.

Signature * |

Details of any health or accessibility issues which might affect the Subject's safe participation in the testing exercise.

Equality Impact Assessment (EIA) Initial Screening Form

Name of the Policy, Procedure, Practice or Proposal being screened:

Personal Data Privacy Notice – COVID-19 Asymptomatic Rapid LFD Testing

Provide a brief description of its purpose:

The purpose of this document is to lay out how personal data is collected, stored, processed, in some circumstances shared, and deleted. It relates specifically to rapid result, lateral flow testing. Data is collected both for routine (weekly) and serial tests.

Are there controls in place to monitor the uniform application of this practice? (if no please explain below)

Yes**No**

The universal application of these processes is monitored by the Senior Management Team and the Data Protection Working Group; which includes representation from the Governing Body.

Does the policy or process have the potential to affect a particular group disproportionately in either a positive or negative way? Please provide comments with supporting evidence:

The processes are universally applied, without favour, as required by law.

If you have identified a medium or high equality impact please complete the following, otherwise leave blank. Add additional comment below the questions as necessary.

Are there any other policies or practices that need to be assessed alongside this screening?

Yes**No**

Should the policy or practice proceed to a full Equality Impact Assessment?

Yes**No**

If the answer to the above question is no, please give the reasons for this decision:

If a full impact assessment is required, please give the date by which it will be completed

(Note – If you have assessed a negative impact as high, you must seek advice and conduct a full EIA on a high priority basis)

Declaration:

We are satisfied that an initial screening has been carried out and a full Equality Impact Assessment [~~is~~ / is not] required at this time.

(If a full EIA is required, a template form is available within the EIA Guidance Notes which must be read before completing a full EIA).

Manager:

Signature:

Stuart Hodges

Date:

04 Jan 2021

Countersigned

Signature:

Mark Emerson

Date:

13 Jan 2021