

DATA PROTECTION IMPACT ASSESSMENT

Data sharing in the context of the School's participation in The Hampshire and Isle of Wight Testing Saliva Testing Programme

Data Protection Impact Assessment	
Name of controller	St George Catholic College
Contact	Mr Euan Douglas
Effective date	1 st February 2021

1. Summary of the Project and why we are carrying out a DPIA

This DPIA considers risks to the rights and freedoms of individuals whose personal data will be shared by St George Catholic College (the 'School') with University Hospital Southampton NHS Foundation Trust (UHS) in the context of The Hampshire and Isle of Wight Saliva Testing Programme.

This cooperation is undertaken with the aim to suppress the spread of COVID-19 in schools and other educational establishments and through that, to promote and safeguard the welfare of the pupils and the members of the school community and to enable all children to have the best outcomes. The School sees its participation in testing as the opportunity to make COVID-19 testing available to its pupils and staff, which is of great value given the national crisis around the testing and widespread difficulties with timely access to COVID-19 tests at the moment.

To enable the carrying out of the COVID-19 saliva testing at the School, the School is required to share limited categories of personal data of its pupils (including pupils' parents or carers contact details) and staff with UHS/the NHS.

Taking the COVID-19 saliva test by pupils and staff is voluntary and the participants express their consent by submitting their saliva samples.

We do not consider the proposed sharing of the personal data to be likely to result in a high risk to the rights and freedoms of pupils, their parents or carers or staff. It is in this context that we do not consider this DPIA to be mandatory under Article 35 of the GDPR. However, motivated by the intention to uphold the best practice and the highest standards of accountability in relation to the personal data that the School processes, we have decided to carry out this DPIA, to document the relevant risks and the measures that we have implemented to mitigate them.

2. The processing

2.1 The context of the data sharing

2.1.1 The data subjects are pupils, their parents or guardians and staff at St George Catholic College. The data shared will therefore include personal data of groups considered to be vulnerable, such as children. The categories of personal data to be shared will include:

- pupil personal data- first and last name, address, including postcode, date of birth, gender, mobile phone number, e-mail, unique pupil number, school, class and for secondary school tutor and year group;
- parent or guardian of pupil - first and last name, address, including postcode, mobile phone number, e-mail;

- staff member - first and last name, address, including postcode, date of birth, gender, mobile phone number, school, employee/payroll number, e-mail;
- contractor to School who registers for testing - first and last name, address, including postcode, date of birth, gender, mobile phone number, school, e-mail; and
- positive test results of the above.

2.1.2 The School has not previously shared the relevant personal data with UHS/the NHS in the same way as is proposed. This is because the proposed sharing of personal data has only become necessary in the context of COVID-19 pandemic. Although there is an element of novelty in relation to this sharing of personal data, data subjects affected would generally expect their data to be shared with the NHS in some circumstances.

2.1.3 To ensure that the proposed data sharing is carried out transparently and that the affected data subjects retain control over their personal data, the School will:

- (i) communicate with parents and staff, describing the School's participation in the COVID-19 testing and the way that the School will share personal data with UHS/the NHS to enable the testing at schools (please see the relevant communications attached);
- (ii) circulate to parents and to staff a joint privacy notice (please see the joint privacy notice attached);
- (iii) amend both its staff and pupil privacy notices to reflect the proposed data sharing and will draw parents' and staff's attention to the updated privacy notice in the communication referred to above;
- (iv) include the information about the right to object to the processing in the letter to parents and to staff and also in the relevant privacy notices;
- (v) will make the relevant staff aware of how to handle any potential objections and queries from data subjects; and
- (vi) address the issue of dealing with data subjects' objections and requests in a data sharing agreement between the School and UHS.

2.1.4 The School has also considered the current state of technology in this area and has selected a method of transfer of the data sets that will meet the requirements of data protection law, including Article 32 of GDPR (transferring an encrypted file, with the password being supplied separately to UHS to a nominated person).

2.1.5 The School will enter into a data sharing agreement with UHS on Wednesday 3rd February 2021.

2.1.6 The School is aware that the processing of personal data in the context of COVID-19 pandemic attracts public attention, including concerns. We have ensured that only the minimum amount of personal data necessary to achieve the purpose will be shared between the School and UHS/NHS, that the data sharing, necessary for the performance of the School's public task, will be lawful, fair and proportionate and that the individuals affected will know that they have the opportunity to object.

2.2 **The purposes of the data sharing**

2.2.1 The School has decided to take part in the COVID-19 testing with the objective of suppressing the spread of COVID-19 at the School (and to assist with the potential roll out of a broader testing programme in further schools). The School intends to facilitate the carrying out of COVID-19 saliva testing at the School to promote and safeguard the

welfare of the pupils and the members of the school community, including their health and to avoid closing down of the School due to a potential spread of COVID-19. The School believes that its participation in the COVID-19 testing will enable children to have the best outcomes (health-wise and education-wise). The sharing of personal data is necessary to enable the NHS to deploy test kits to pupils and staff at the School, which will support the participation by all those individuals who are interested but may otherwise not be able to take part in the testing due to various logistic difficulties.

- 2.2.2 The proposed data sharing as a part of the School's participation in the Programme will therefore benefit those individuals whose data will be shared and will have broad benefits for the pupils and staff at the School. It may also assist with a roll-out of the Programme nationally, resulting in benefits for pupils and school communities at other schools in protecting them from the consequences of the COVID-19 pandemic.

2.3 The nature and scope of the processing

- 2.3.1 The categories of personal data to be shared have been set out in 2.1.1 above. Only those categories of personal data that are necessary to enable the carrying out of the testing in the School, will be included in the data sharing.
- 2.3.2 The data will be transferred from the School to UHS and vice versa using a method of transfer that meets the requirements of data protection law, including Article 32 of GDPR (transferring an encrypted file, with the password being supplied separately to UHS to a nominated person and by SMS text and secure encrypted e-mail with password being supplied separately to School to a nominated person).
- 2.3.3 The way that personal data will be used under the Data Sharing Agreement will be restricted to only use this data for the purpose of the COVID-19 testing, which safeguards and promotes the welfare of children who are pupils at the School.
- 2.3.4 The Data Sharing Agreement prevents UHS from transferring shared personal data outside the United Kingdom without the School's consent and it requires that UHS deletes the shared personal data at the end of the COVID-19 testing.

3. Lawfulness, necessity and proportionality of the processing - compliance measures

3.1 The lawful basis for processing

The School has carefully considered potential lawful bases for the governing bodies of the schools to be able to share the data of the data subjects with UHS for the purpose of the Programme. The School relies on

- Article 6 (1)(e) of the GDPR, as the proposed sharing of personal data is necessary for the performance of a task carried out by the School in the public interest.
- GDPR Article 9(2)(g) and Schedule 1, part 2, para 6 Data Protection Act 2018 – the processing of special category data is necessary to fulfil a statutory purpose.
- GDPR Article 6(1)(f) – the processing is necessary for the purposes of the legitimate interest of the controller.

The School can use education legislation to support processing personal data for COVID-19 testing and the relevant task is to safeguard and promote the wellbeing of pupils for processing personal data for COVID-19. The legislation which underpins this is:

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s175 of the Education Act 2002, which states as follows:

The governing body of a maintained school shall make arrangements for ensuring that their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school.]

- 3.2 The sharing of personal data achieves the intended purpose (safeguarding and promoting the welfare of children who are pupils at the School) and, given the scale of the testing, the logistics, time constraints and the fact that the infection rate has been increasing sharply, there is no other feasible way to achieve the same outcome, i.e. enable the COVID-19 saliva testing to take place at the School promptly.
- 3.3 The proposed data sharing will comply with the principle of data minimisation (see paragraphs 2.1.1 and 2.3) and the Data Sharing Agreement mitigates the risk of the data being used by UHS or the School for purposes other than those necessary for the COVID-19 saliva testing.
- 3.4 The individuals have been provided with comprehensive information about the intended sharing of their data with UHS and vice versa and have been informed about their rights, including the right to object (see para 2.1.3).
- 3.5 The Data Sharing Agreement includes provisions intended to safeguard and support data subjects' rights, including their right to object.
- 3.6 No processors will be involved in the data sharing and pursuant to the Data Sharing Agreement, the data will not be processed outside the United Kingdom without the School's consent.

4. Assessment of risks and measures to mitigate risks

4.1 Identified risks

	Description	Condition for approval	Level of residual risks to data subjects' rights
1.	The School needs to have lawful basis for the intended sharing of personal data	Lawful basis established – see paragraph 3.1	Low
2.	Data sharing needs to be carried out transparently and fairly in a way that respects data subjects' rights, e.g. gives individuals the right to object.	(i) Transparency requirements have been satisfied through communications with parents/carers and staff and through the provision of an updated privacy policy – see paragraph 2.1.3. (ii) The School has given the individuals as much time to object prior to the sharing of the data, as is reasonably possible, given the tight timescales of the proposed COVID-19 testing and balanced against the objectives of the data sharing exercise. (iii) The Data Sharing Agreement includes provisions intended to	Low

		safeguard and support data subjects' rights, including their right to object, following the sharing of the personal data.	
3.	Loss of control by individual data subjects over their personal data	The School has taken the steps to ensure that the individuals are aware of the data sharing (see paragraph 2.1.3) and can exercise their right to object (as above).	Low
4.	Personal data being used in a way that data subjects would not normally expect	<p>(i) The School has taken the steps to ensure that the individuals are aware of the data sharing and can exercise their right to object (as above)</p> <p>(ii) The Data Sharing Agreement contractually limits the scope of permitted use by UHS and vice versa.</p> <p>Ultimately, given that UHS will become an independent controller of the shared personal data, the School will not be able to retain control over the use of this data by UHS, but by entering into the Data Sharing Agreement the School has taken steps available to it to ensure that that data will be processed lawfully, fairly and securely.</p>	Low/Medium
5.	Risk of a data breach during transfer	The School has considered security measures adequate for this transfer – see paragraph 2.1.4	Low/Medium

6. Sign off

Item	Name/position/date	Notes
Measures approved by:	James Habberley Head Teacher 1st February 2021	
Residual risks approved by:	James Habberley Head Teacher 1st February 2021	

DPO advice provided:	Mr David Walford Data Protection Officer: 1st February 2021	
<p>Summary of DPO advice:</p> <p>None required after completion of DPIA, which covers any areas of concerns in respect of the sharing of data.</p>		
DPO advice accepted or overruled by:	Yes	If overruled, you must explain your reasons
<p>Comments:</p>		
This DPIA will kept under review by:	Head Teacher Data Protection Officer	The DPO should also review ongoing compliance with DPIA