

Track and Trace; Sharing Personal Data

1. Can we share personal data with NHS/Track and Trace?

Several schools have asked whether they are permitted to share personal data with NHS/Public Health officials, including data sharing under the new “Track and Trace” system.

Schools are entitled (*and have lawful basis*) **to share personal data relating to health where necessary relating to employees, pupils, parents and visitors to school** under the GDPR and Data Protection Act 2018 (your Data Protection Officer can give specific details on which provisions of legislation are relevant if required).

2. Telling people their Personal Data May be Shared

Your existing Privacy Notice should already contain confirmation that Pupil Personal Data is shared with the NHS.

To be fully transparent about the sharing of data you should:

- **publish an amendment to your Privacy Notices** (either as an addendum, or by a notice on your school website, or by notices at entrances)
- stating that **“personal data of employees, parents or visitors to school may be shared with NHS/Public Health Agencies where relevant to the COVID-19 pandemic”**.

What the ICO says:

“Where possible, organisations should have clear and accessible privacy information in place before processing begins. However, we recognise that in this exceptional period, this may not always be possible. Organisations should ensure that privacy notices are in place and updated **as soon as reasonably practical.**” *What is reasonably practical will vary from school to school.*

3. Sharing Personal Data with NHS/Public Health Agencies

Where data needs to be shared with Health officials you should:

- **limit the data shared to the minimum necessary,**
- **only share data with the appropriate authorities,**
- **share via secure methods** (e.g. encrypted email).
- **verify the identity of persons making phone calls/sending emails requesting personal data** (be aware of the risk of cyber/impersonation crime),
- **keep a note/copy of the data shared at school,**
- **notify any individuals whose data has been shared** (if practicable).

4. Sharing Data under the “Track and Trace” Scheme

Schools may be required to share Personal Data of individuals under the Track and Trace scheme. The scheme does have a Privacy Notice

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

and it would be *best* practice to publicise on your school website and at the entrances of school that personal data of those that attend/work at/visit the school may be shared under

this scheme. Again, retain a note of which individuals' data is shared, what data is shared, and notify those individuals if practicable (i.e. so they know to expect a call from Track and Trace workers).

5. Sharing Information with the School Community

It is unlikely to be necessary to share personal data relating to health with any other person or with the school community; it is sufficient to make a general statement e.g. "a parent of a child in your child's school 'bubble' has experienced COVID-19 symptoms..." or "a member of staff teaching another 'bubble' in school has developed COVID-19 symptoms...". Names of individuals affected or more detailed health details should not be shared.

6. Further Advice for Schools

This is a rapidly developing area and new guidance for schools is published frequently. At the moment the Department for Education guidance states 'As part of the national test and trace programme, if other cases are detected within the child or young person's cohort or in the wider education or childcare setting, Public Health England's local Health Protection Teams will conduct a rapid investigation and will advise schools and other settings on the most appropriate action to take.'

We have contacted the Data Protection Officer for Track and Trace to enquire whether further guidance for schools will be published and will update this guidance if/when we receive any further information.