



**Specific privacy statement regarding to the data processing
resulting from Covid-19 case management at the European
School Luxembourg II**

Specific privacy statement on data processing resulting from Covid-19 case management within the school

Context

In Luxembourg, in order to monitor the spread of the SARS-CoV-2 virus, the Director of Health has set up an information system containing personal data.

The purpose of this information system is to:

- To detect, assess, monitor and combat the SARS-CoV-19 pandemic and to acquire basic knowledge about the spread and development of this pandemic;
- To ensure that citizens have access to care and protection against the Covid-19 disease;
- Create the organisational and professional frameworks required to monitor and combat the Covid-19 pandemic;
- Respond to requests for information and reporting obligations from European or international health authorities.

The School has adopted a strict Covid-19 case management procedure in order to implement the health measures decided by the Luxembourg authorities to limit or even prevent the spread of the virus to other students and staff members.

Cette procédure presents two (2) aspects:

1. Data collection from information transmitted either directly by the person affected (school staff, parents of pupils or pupils of legal age) by a medical and/or national measure or instruction, or as part of the screening (testing) system within the school. The mandatory transfer of information is carried out:
 - a) By completing the dedicated forms available on our school website: « [Déclaration d'un cas positif PCR ou TAR \(élève\)](#) » ([Link deactivated](#)).
 - b) In addition, the school population (school staff, parents of pupils or pupils of legal age) is obliged to inform the school of their contamination with Covid-19, in principle by means of the form in question, and if further follow-up is required, by sending an e-mail to the school with all relevant information:
 - i) Dedicated address to the pupils follow-up: MAM-COVID19-PUPIL-REPORT@eursc.eu
 - ii) Dedicated address to the staff follow-up: MAM-COVID19-STAFF-REPORT@eursc.eu
2. Le 2) Sharing relevant data with the competent authorities via email.
 - a) In the first instance concerning positive cases among the school population (staff or pupils) of which the school is aware, or concerning cases detected in the context of testing within the school.
 - b) And following a request from the competent authorities for data in the context of "back tracing", a well-established prevention method used by public health authorities and aimed at reducing the number of secondary cases of an infectious disease during an epidemic.

In more detail, the school is called upon to collaborate with the health authorities and to monitor the situation and consequently the "persons at high risk of being infected" ("back tracing") within the school, i.e. to quickly identify students/staff who have come into contact with a Covid-19 carrier, so that the necessary measures to stop the spread of the virus are imposed by the competent authorities.

The processing of the notification of Covid-19 cases as well as the subsequent follow-up of contacts is managed by the school's Covid-19 cell in order to guarantee strict confidentiality, in accordance with Luxembourg's regulations on the subject.

The school has communicated to parents and staff the procedures related to the management of Covid-19 cases within the school. These have also been validated by the school's Administrative Board.

At the same time, on our school's website, a "COVID-19 Information" page has been created specifically to provide additional information.

This specific Privacy Statement for Covid-19 case management at the school is provided to you by the school (data controller) and is intended to complement its [general Privacy Statement](#). This Statement specifically describes how the personal data of students as well as teachers and administrative staff are processed in the particular circumstances of Covid-19 and the Luxembourg contact tracing and follow-up programme.

1. What is the personal data collected by the school?

- I. **Identity** (name, surname, class if applicable, e-mail address) **and confirmation of the data subject's Covid19 infection provided through the dedicated form**

In accordance with Article 30. 3 d), v., of the General Rules of the European Schools, when a pupil is suffering from a contagious disease, the pupil's **legal representatives** must make a compulsory written declaration to the school. Covid-19 is a communicable disease and must be notified to the school. For this purpose the form « [Déclaration d'un cas positif PCR ou TAR \(élève\)](#) » ([Link deactivated](#)) is available.

As part of their working relationship, teachers and administrators also have an obligation to inform the school if they are infected with Covid-19. This is to enable the school to take precautionary measures to prevent the spread of the disease within the school.

- II. **Identity** (name, surname, class if applicable) **of "Persons with a high risk of being infected" by the confirmed Covid-19 case.**

When a case of Covid-19 is declared at school, the school's Covid-19 Unit determines, according to the applicable legal framework, the persons with whom the infected person may have been in contact during the 48 hours preceding the detection or the onset of symptoms (if known). Lists of "persons at high risk of being infected" are drawn up on the basis of the criteria and directives of the Luxembourg State and transmitted to the same authorities.

- III. **Identity** (name, surname, class if applicable) **in relation to information provided by the health authorities**

The State may contact the school to provide the name of the person confirmed positive for Covid-19, indicating the necessary measures to be put in place to combat the spread of the virus within the school.

- IV. **Pupils' Identity** (name, surname, class et CNS number*) **with parental consent to participate in school-based screening and enhanced screening + Parents' identity** (name, surname, e-mail address and phone number) **giving consent**

In order for pupils to participate in the enhanced screening programme, explicit consent must be given by their legal representatives in accordance with the legal framework in force, using the form « [Nouveau dispositif sanitaire Covid-19 – Tests rapides antigéniques \(TAR\)](#) » ([Link deactivated](#)). Pupils who have reached the age of majority or who are over 16 years of age may give their own consent to the scheme in accordance with the provisions of the legal framework in force.

(*) Only if authorised by parents/legal representatives.

- V. **Pupils' Identity** (name, surname and class) **and results of tests carried out at home when applicable to a school cycle and in accordance with the legal framework in force (which may change according to the decisions of the competent authorities)**

In cases where a pupil has received consent from his/her parents/legal guardians to participate in the enhanced screening and testing scheme as instructed by the authorities, and it is intended that the screening will be carried out at home, the result should be reported using the « [Déclaration d'un résultat TAR négatif ou nul effectué à domicile](#) » ([Link deactivated](#)). The type of result to be reported is also subject to the instructions given by the authorities and may change over time.

The data will be used to check and remove any duplicates on the same date. The data will then be anonymised and made available to the authorities for statistical purposes.

2. What is the legal basis for the processing of personal data?

The processing of personal data arising from the management of Covid-19 cases as well as the implementation of contact follow-up is based on:

- Article 6.1.c. GDPR, the processing is necessary for compliance with a legal obligation to which the controller (school) is subject.

The processing of special categories of personal data, which include data relating to the health of an individual, is prohibited unless specific additional conditions can be met. These additional relevant conditions are fulfilled and are based on:

- Article 9, 2, i) GDPR, the processing is necessary for public interest reasons in the field of public health (such as protection against serious cross-border threats to health).

In the context of the "**School Testing Scheme**" campaign, the processing of special categories of personal data, which include data relating to the health of an individual, is prohibited unless specific additional conditions can be met. These additional relevant conditions are fulfilled and are based on:

- Article 9, 2, a) GDPR, the data subject has given his explicit consent to the processing of such personal data for one or more specific purposes, except where Union law or the law of the Member State provides the prohibition referred to in paragraph 1 cannot be lifted by the data subject;
- Article 8, 1 GDPR, conditions applicable to the consent of children. The processing of the personal data of a child shall be lawful where the child is at least 16 years old. Where the child is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility for the child.

The applicable national regulations are:

- Loi du 17 juillet 2020 portant introduction d'une série de mesures de lutte contre la pandémie Covid-19 ;

- Directive du Ministère de l'Éducation nationale de l'Enfance et de la Jeunesse du 10 Janvier 2022 : Adaptation du dispositif sanitaire de l'Éducation nationale et des procédures de traçage en milieu scolaire.

3. How are used collected data?

- I. The school uses the data collected for the sole purpose of:
 - Identify infected persons in the school and school contacts to prevent the spread of the disease and the creation of an outbreak (cluster, i.e. several Covid-19 infections occurring within a short period of time, as defined by the legal framework in force, after the first confirmed case in the same class/group of pupils) in the school.
 - To inform the competent health authorities in accordance with the legal framework in force and the instructions received by them and, to the extent necessary for the performance of the tasks entrusted to them, to share in this context the lists of persons at high risk of being infected with these authorities, within the time limits defined below, in order to be able to communicate them at their request
 - Maintain statistics on the evolution of the situation regarding the number of cases detected and the measures applied
- II. The collected information is not, under any circumstances, used or passed on to police or judicial authorities to check whether you have complied with national health measures (e.g. compliance with a quarantine measure following a trip, etc.).

4. Who has an access and with whom we share your data?

- I. E-mails sent to the above-mentioned e-mail addresses are managed exclusively by the School's Covid-19 unit, as delegated by the Headmaster, Mr Van Daal. This cell is obliged to collaborate with the health authorities and to provide them with the information requested. Both the school service and the competent officials of the health authorities are bound by professional secrecy.
- II. None of the data collected is transmitted to the Parents' Association of the European School Luxembourg II (APEEEL2), the Centre Polyvalent de l'Enfance (CPE) or any other structure external to the school. Parents are systematically asked to contact these associations directly if their children use their services.

5. How do we protect your information?

- I. Computerised personal data is kept in a secure environment, stored in the school's databases, accessible only by the School's Covid Unit.
- II. Documents received by email and having a justification function for absences, equivalent to a medical certificate, are processed in accordance with existing internal procedures. Therefore, any other document (COVID-19 test result, EU vaccination certificate, EU recovery certificate, EU infection certificate, etc.) received by email is not kept or transmitted internally by the school for information purposes.
- III. Data on paper, equivalent to a medical certificate, as explained in the previous point, are kept in the student's personal file.

6. How long do we keep personal data?

- I. The data collected will be kept for the time strictly necessary to enable the school to fulfil its legal obligations.
- II. The School will keep these contact lists for 30 days in order to be able to communicate them again to the authorities and at their request if necessary. At the end of this period, the school will securely anonymise all data collected specifically for back tracing and reporting of a negative or zero ART result at home.
- III. Data will be kept for statistical purposes to assess the progress of the epidemic within the school.
- IV. Data related to consent : For organisational reasons your choices will be kept for the whole school year. Except, in the event that the Government decides to end this measure prematurely. In this case, the data will be deleted before the end of this period.

7. What are your rights?

You have the right to request access to, rectification or erasure of your personal data, or a restriction on processing in relation to the data subject, or the right to object to processing and the right to data portability.

Where the School processes personal data with your consent, such consent may be withdrawn at any time. Withdrawal of consent will not affect the lawfulness of the processing based on the consent prior to its withdrawal.

For this purpose or for any questions relating to this specific Privacy Statement, please contact our Data Protection Officer at the following address: MAM-DPO-CORRESPONDENT@eursc.eu.

If, after contacting us, you consider that the school is not complying with applicable data protection laws (including the GDPR) or that your rights have been violated in the processing of your personal data, you have a right of recourse and can contact the Commission Nationale pour la Protection des Données (CNPD) (<https://cnpd.public.lu/fr.html>)

For more information on how the National Authorities process your data, as well as your rights and how to exercise them, please consult the privacy statement available on their respective websites or contact their Data Protection Officer directly.

8. Changes to this Privacy Statement

The school may make changes to this Privacy Statement if necessary in light of changes in legislation or directives from the CNPD.