



Baden-Württemberg

MINISTRY OF CULTURE, YOUTH AND SPORT

Name of school or institution	
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I. Information about self-testing of school students using the PoC antigen test to detect a Covid-19 infection at school

From April 19, 2021, schools in Baden-Württemberg will provide school students for whom in-person classes will take place with a rapid antigen test for the coronavirus twice a week. This is based on the regulations in the Coronavirus Ordinance of the State of Baden-Württemberg (CoronaVO) and the Federal Infection Protection Act that applies from April 23, 2021. There is an indirect obligation for students to undergo testing at their schools. In this case, there is a ban on entry to and attendance at in-person classes for those individuals who cannot present any evidence of a negative test for or immunity to the SARS-CoV-2 virus; these students must then rely on the distance learning the school will provide. The only students exempt from this entry and attendance ban are those participating in intermediate and final examinations or in school performance assessments required for their grades. However, the untested students will take their exams or performance assessments while maintaining spatial distancing from the tested students as required. In addition, students are exempt from this entry and attendance ban who can show documentary evidence of being fully vaccinated for at least 14 days or can prove that they have recovered from a coronavirus infection that occurred no more than six months previously.

Proof of testing can be provided as follows.

- By taking a test provided by the school or
- By presenting the certificate from another provider for a negative result of a rapid test in accordance with §4a of the CoronaVO, whereby it must be submitted on the day the school arranges the test and the test it is based on is no older than 48 hours,
- For students at elementary schools, special education and counseling centers with a focus on mental development, physical and motor development or special needs education and counseling centers with other focal points of

support and these courses, as well as for children in elementary school remedial classes and kindergartens by submitting self-certification of their legal guardians after properly carrying out testing using a sample form provided by the Ministry of Culture.

The directed self-testing provided by the school takes place under the organizational powers and responsibility of the school (also under data protection law). The school itself determines the time and place for the tests, with a view to alternation as required. The schools provide students and the staff working at the schools who can take part in in-person classes with two tests in every school week. Also in the case of alternating classes, two tests must be carried out every school week.

The schools will also determine those individuals who will direct and supervise the testing. These individuals may, for example, include teachers or (voluntary) assistants from aid or ambulance services. These individuals involved are obliged to maintain confidentiality with the exception of legal guardians, the school board and the health department. The self-test result is disclosed to the students in question and their legal guardians in a way in which no one other than the individual conducting the test is aware of it.

Students will receive a record from the school if the test result is positive. (see § 5 of the ordinance of the Ministry of Social Affairs on the isolation of individuals infected with the SARS-CoV-2 virus or suspected of being sick and people in their households, as follows: CoronaVO isolation, retrievable at <https://www.baden-wuerttemberg.de/de/service/aktuelle-infos-zu-corona/uebersicht-corona-verordnungen/coronavo-absonderung/>).

In the event of a positive test result, the student may no longer take part in in-person classes. Instead, he or she must go immediately into isolation at home in accordance with § 3 paragraph 2 CoronaVO isolation. The school will inform the student's legal guardians immediately, who will pick up the student as soon as possible. Until then, the student must be supervised in an appropriate room. With the legal guardians' permission, the student may also go home independently. The other obligations that apply during isolation are also included in the CoronaVO for isolation; the regulations in relation to the end of isolation with a positive rapid test are based on § 3 paragraph 4 of the designated ordinance.

The school is also obliged in the event of a positive test result in accordance with §§ 6 para. 1 clause 1 no. 1 lit. t, 8 para. 1 no. 2 and 7, in conjunction with §§ 36 para. 1

no.1 and 33 no. 3 of the Infection Protection Act (IfSG), to report this to the health department responsible for the tested individual's place of residence by notifying the further information referred to in § 9 paragraph number 1 and 3 paragraph 2 IfSG. The health authorities can then within the scope of their responsibilities make further regulations that go beyond the obligations arising from the CoronaVO isolation or that deviate from it.

If health certificates such as proof of vaccinations or medical reports have to be inspected by the school in accordance with the applicable Corona Ordinance, lists of names for the submitted evidence will be kept. The purposes of processing these are based on the respectively applicable Corona Ordinance and the Infection Protection Act. Depending on the infection rate, the lists will be deleted or destroyed in accordance with data protection laws at the end of the school year and no later than the regulation they are based on has been repealed. Unless a transfer to third parties such as to the authorities is expressly required by law, no transfer will take place outside the school. Knowledge of these lists is only conveyed to individuals for whose tasks this knowledge is required. You can find further information about your rights in connection with the processing of personal data below under the rights of data subjects.

Please note that the rapid tests do not provide 100% certainty. A test result may turn out positive, even though no acute infection with SARS-Cov-2 actually exists. On the other hand, even if there is an actual infection with the designated virus, the test result may be negative.

School students who wish to take advantage of the school's test program in accordance with the Corona Ordinance of the State of Baden-Württemberg, because this is required in order to attend in-person classes, must first declare their willingness to undergo testing by the school. In the case of underage students, the declaration of their legal guardians is required. We request that you submit this declaration using the form below.

II. Information in accordance with article 13 General Data Protection Regulation for data processing in connection with the school test program in accordance with the Corona Ordinance

Name and contact details of the person responsible for data processing	(Name, contact details of the individual responsible at the school or institution (school principal))
Contact details of the data protection officer	(Contact details DPO)
Purpose of data processing	Fulfillment of the task assigned to the school by the Corona Ordinance to provide and carry out rapid coronavirus tests for the purpose of protection from infection at the school, to contain the coronavirus pandemic and to maintain in-person classroom teaching at the school.
Storage duration	<p>In the event of a negative test result, no storage will occur.</p> <p>In the event of a positive test result, the data will be saved until the end of the current school year in order to secure the transfer of data to the health department.</p> <p>The declaration to participate in these tests based on this form will be stored for a maximum of two weeks after you revoke it, and no later than when you leave the school or the state's coronavirus ordinance or one of these subsequent regulations is repealed.</p>
Legal basis for processing	The legal basis for processing is article 6 paragraph 1 lit. e, article 9 paragraph 2 lit. i GDPR in conjunction with § 14b of the state government's ordinance on infection protection measures against the spread of the SARS-CoV-2 virus in the valid version from April 19, 2021.
Data recipients	In the event of a positive test result, the data referred to in § 9 paragraph 1 and 2 IfSG will be transmitted to the locally responsible health authority, and this will occur based on article 6 paragraph 1 lit. c and e, article 9 paragraph 2 lit. i GDPR in conjunction with § 6 para. 1 clause 1 no. 1 lit. t, § 8 para. 1 no. 2 and 7 IfSG in conjunction with § 36 para. 1 no.1 and § 33 no. 3 IfSG,
Legal consequences if data are not provided	<p>If the data are not provided, a ban on entry to the school premises and attendance at in-person classes applies. The school student may then only participate in distance learning. Exempt from this are individuals who have been vaccinated and have recovered within the meaning of § 4a paragraphs 2 and 3.</p> <p>Otherwise, failure to provide the data has no legal consequences.</p>

Rights of those affected	<p>According to art. 15 GDPR, there is a right to information about the personal data collected from the school. You also have the right to have the data corrected, deleted or restricted (in accordance with articles 16, 17 and 18 GDPR), as well as a right to object to processing under art. 21 GDPR.</p> <p>In addition, in accordance with article 77 GDPR, you have a right to complain to a data protection supervisory authority, the state officer for data protection and Informationsfreiheit Baden-Württemberg, Königstrasse 10 a, 70173 Stuttgart</p> <p>Mail address: Postbox 10 29 32 70025 Stuttgart Tel.: 0711/615541-0 Fax: 0711/615541-15.</p>
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III. Declaration of consent by students to participate in self-testing by means of a PoC antigen test to detect a Covid-19 infection at the school

School student:	
Surname:	
First name:	
Street / house number:	
Zipcode:	
City:	
Class / course level:	

Data of legal guardians for minors

Surname:	
First name:	
Street / house number:	
Zipcode:	
City:	

I / we hereby declare,

- that my / our child

- that I (in the case of legal age school students)

☐ from the date of validity of the amended Corona Ordinance of the State of Baden-Württemberg will undergo free-of-charge self-tests to detect an infection with the SARS-CoV-2 virus at the school a maximum of twice a week,

This declaration also includes the consent to perform and explain the self-test as well as to supervise it by individuals appointed by the school to do so.

If the school student is not of legal age

☐ In the event of a positive test result, I / we ask you to notify me / the following individual authorized to take custody via the following phone number/s:

☐ In the event of a positive test result, my child can go home independently.

This declaration can be revoked in writing to the school board at any time with effect for the future. In the event of a positive test result, the school's existing legal obligation to report to the responsible health department in accordance with §§ 6 para. 1 clause 1 no. 1 lit. t, 8 para. 1 no. 2 and 7, 9 para. 1 no. 1 and paragraph 2 in conjunction with §§ 36 para. 1 no.1 and 33 no. 3 Infection Protection Act remains unaffected.

Place and date

First name / surname in capital letters of the legal guardian entitled to sign

Signature of legal guardian

Signature of school student*

* For minors of the age of 14 and over, both the signature of the student as well as the legal guardian; for legal-age students, the signature of the student alone.