



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

It is planned that schools in which in-person classroom instruction takes place, will have to offer their students a rapid antigen test for the coronavirus several times a week. This is to be regulated with the next amendment to the Corona Ordinance of the State of Baden-Württemberg (CoronaVO). In urban and rural districts in which the health department responsible has found that the 7-day incidence of 100 new infections per 100,000 residents has been exceeded for three days in a row, students at these schools will also be indirectly obliged to take a test from this point on. In this case, there will be a ban on entry to and participation in in-person classes for those individuals who cannot provide any proof of negative testing or immunity to the SARS-CoV-2 virus. These students will then be dependent on the remote learning to be provided by the school. The only students exempt from this ban on entry and participation are those who take part in intermediate and final examinations or in school performance assessments required for giving grades.

Proof of testing can be provided as follows.

- By taking a test offered by the school or
- By submitting the certificate of another provider of a negative test result in accordance with § 4a of the CoronaVO, whereby it must be submitted on the day the school offers the test and the test it is based on is no more than 48 hours old,
- For students in primary schools, special needs educational and counseling centers focusing on mental development, physical and motor development or special needs educational and counseling centers focusing on other issues and these courses, as well as for children in primary school remedial classes and kindergartens by submitting a self-certification of the legal guardians after

testing has been properly conducted on 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, with at least one test per school week if they are present for a maximum of three days in a row. 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, school boards 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 guardian 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 guardian's permission, the student may also go home independently. The other obligations that apply during isolation also arise from the CoronaVO isolation; the regulations in relation to the end of isolation with a positive rapid test result from § 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 responsible health department by notifying the further information referred to in § 9 para. 1 no. 1 and 3 and 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.

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 exists. On the other hand, even if there is an actual infection with the designated virus, the test result may be negative.

The students who wish to take up the school’s test offer with the latest amendment to the Corona ordinance of the state of Baden-Württemberg, will have to declare their willingness to take part in the school testing in advance, whether because they take part in the test voluntarily or because this will be required to attend in-person classes. In the case of underage students, the legal guardian’s consent is required. We request that you submit this statement on the following form.

II. Information in accordance with article 13 General Data Protection Regulation for data processing in connection with the school test program since the amendment to the CoronaVO:

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 imposed on the school by the Corona Ordinance to offer and conduct Corona rapid tests for the purpose of infection protection at the school, to contain the Corona pandemic and to maintain in-person classes at the school.
Storage duration	In the event of a negative test result, no storage will occur. In the event of a positive test result, the data will be saved until the end of the current year in order to secure the transfer of data to the health department. The statement of consent on this form to take part in the tests will be stored for up to two weeks after your revocation but no later than leaving the school or the expiration of the state’s CoronaVO or one of these subsequent regulations.
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

	<p>government's ordinance on infection protection measures against the spread of the SARS-CoV-2 virus in the valid version from April 19, 2021.</p>
Data recipients	<p>In the event of a positive test result, the data specified in § 9 paragraph 1 and 2 IfSG will be transmitted to the locally responsible health authority on the basis of 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.</p>
Legal consequences if data are not provided	<p>If the incidence has exceeded the 7-day incidence of 100 new infections per 100,000 inhabitants for three days in a row based on the findings of the responsible health department, a ban on entry to the school premises and participation in in-person classes shall apply without the data being provided. The students may only then take part in remote learning. This applies until the day after the locally responsible health department has determined that there has been a seven-day incidence of fewer than 100 new infections of the coronavirus per 100,000 inhabitants in the affected rural or urban district for five days in a row.</p> <p>Otherwise, failure to disclose 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>

III. Declaration of consent by students to 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:	
Class / course level:	

Details 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 students)

Will take part in the free self-test to detect an infection with the SARS-CoV-2 virus at the school no more than twice a week from the date at which the amended Corona Ordinance of the State of Baden-Württemberg applies,

And will do so to the extent that this is not the legal requirement for participation in in-person classes or to avoid a ban on entry to the school premises.

This declaration also includes your consent to have the self-test presented and explained as well as supervision by individuals who are appointed by the school for this purpose.

If the student is not of legal age:

In the event of a positive test result, we request that you notify us of the individual authorized to take custody by calling the following phone number/s:

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

This declaration can be revoked at any time in writing to the school board with effect in the future. The school's existing statutory reporting obligation 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, 9 para. 1 no. 1 and paragraph 2 in conjunction with §§ 36 para. 1 no.1 and 33 no. 3 Infection Protection Act in the event of a positive test result to the responsible health authority remains unaffected.

Place and date

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

Signature of the legal guardian

Signature of the 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.