



## Privacy Notice

### How we use pupil information

This Privacy Notice explains how and why we store personal information about pupils and parents/carers. It provides a guide to parents/carers about our legal obligations and their own rights. Like any organisation which handles personal data, our school is defined as a 'Data Controller' and, as such, we are registered with the ICO (Information Commissioner's Office) and we comply with the Data Protection Act. and General Data Protection Regulation

#### The categories of pupil information that we process include:

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

For all pupils	Personal Information	Name, DOB, Gender, Year Group, Class, Address, Contacts Dietary Needs, dietary preferences Medical practice address and telephone number Medical Conditions CCTV images captured in school
	Characteristics	Ethnicity, language, nationality, country of birth
	Attendance Information	Sessions attended, number of absences, reasons for absence
	Academic attainment and progress records	Teacher Assessment grades Statutory Assessment results Standardised score results Learning journey evidence (photographs and annotations)  Other photograph evidence of learning Reports to parents
	Other	Pupil Surveys Incidental evidence of pupils' successes (certificates, photographs, named trophies, celebration events) Residential trips and visits Submission of school census
For some pupils (only if applicable)	Other	Free School Meal eligibility Court Orders Other pupil premium eligibility (such as if the child is looked after) Safeguarding records (incidents, external agency reports Special Educational Needs records (professional assessments, external professionals' reports, referrals for external support) Pastoral records (referrals for support both internal and external notes of discussions with pupils, pupils' Exclusion information Behaviour incident records
All parents/carers*	Personal Information	Names, addresses, telephone numbers, email addresses, relationship to the child (of parents/carers and other given contacts) Free school meals eligibility service
	Other	Parents' surveys Letter sent to school Emails sent to school Financial payments, including debt (both manual and electronic) CCTV images captured in school

\*this refers to those with legal responsibility for the child

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

## Why we collect and use pupil information

The personal data collected is essential, for the school to fulfil their official functions and meet legal requirements.

We collect and use pupil information, for the following purposes:

- To support pupil learning
- To keep informed to keep children safe
- To monitor and report on pupil progress
- To provide appropriate pastoral care
- To comply with the law regarding data sharing
- To meet the statutory duties placed upon us for DfE data collections

We use the parents' data:

- To assess the quality of our services
- To comply with the law regarding data sharing
- To ensure financial stability

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing pupil information are:

The lawful bases for processing personal data are set out in Article 6 of the General Data Protection Regulation. The school processed such data because we have:

(6a) Consent: parents have given clear consent for us to process their (and their child's) personal data for the purposes indicated above.

(6c) A Legal obligation: the processing is necessary for us to comply with the law (e.g. we are required by law to submit certain teacher assessment information and to safeguard pupils' welfare by sharing information with other agencies).

(6d) A duty to safeguard pupils: the processing is necessary in order to protect the vital interests of the data subject (children); (e.g. if we are required to share medical history information with emergency services in the event of an accident or to other agencies when a child may be in danger).

(6e) Public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law (e.g. processing attendance information or academic attainment and progress records).

Special Categories of data are set out in Article 9 of the General data Protection Regulation. The school processes such data because we have:

(9.2a) explicit consent. In circumstances where we seek consent, we make sure that the consent is unambiguous and for one or more specified purposes, is given by an affirmative action and is recorded as the condition for processing. Examples of our processing include use of pupil photographs for external purposes, pupil dietary requirements, and health information we receive from our pupils who require a reasonable adjustment to access our services.

(9.2b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

(9.2c) where processing is necessary to protect the vital interests of the data subject or of another natural person. An example of our processing would be using health information about a pupil in a medical emergency.

(9.2f) for the establishment, exercise or defence of legal claims. Examples of our processing include processing relating to any employment tribunal or other litigation.

(9.2g) reasons of substantial public interest. As a school, we are a publicly funded body and provide a safeguarding role to young and vulnerable people. Our processing of personal data in this context is for the purposes of substantial public interest and is necessary for the

carrying out of our role. Examples of our processing include the information we seek or receive as part of investigating an allegation.

(9.2j) for archiving purposes in the public interest. The relevant purpose we rely on is Schedule 1 Part 1 paragraph 4 – archiving. An example of our processing is the transfers we make to the County Archives as set out in our Records Management Policy.

We process criminal offence data under Article 10 of the GDPR.

Our Data Protection Policy highlights the conditions for processing in Schedule 1 of the Data Protection Act 2018 that we process Special Category and Criminal Offence data under.

## **The lawful basis on which we use this information**

Under the General Data Protection Regulation (GDPR), the lawful basis (article 6) and the processing of special categories of personal data (article 9) we rely on for processing pupil information are:

### **Consent**

We will obtain consent prior to processing personal data for a specific purpose unless the law or our policies allow us to do so.

### **Legal Obligation**

The processing is necessary in order to comply with the law

### **Public Task**

The processing is necessary to perform a task in the public interest and as part of our official function as an educational establishment, and the task has a clear basis in law, for example, the submission of the school census returns, including a set of named pupil records, is a statutory requirement on schools under Section 537A of the Education Act 1996.

## **How we collect pupil information**

We collect pupil information via registration forms at the start of the year, by Common Transfer File (CTF) and Admissions Transfer File (ATF), or secure file transfer from the previous school.

Pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this.

## **How we store this data**

We hold pupil data while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. Pupil data will be forwarded to the secondary school (or other primary school) when the child leaves the school. In the case of a permanent exclusion the pupil data may be forwarded to the Pupil Referral Unit.

## **Who we share pupil information with**

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- the Department for Education (DfE)
- Ofsted
- Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions
- Multi Academy Trusts and Federations (pupil transfers)
- The pupil's family and representatives
- Educators and examining bodies
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Financial organisations
- Central and local government
- Our auditors
- Survey and research organisations

- Health authorities
- Security organisations
- Health and social welfare organisations (including NHS, School Nurse and Public Health England)
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Professional bodies

## Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under:

Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by DfE under a combination of software and hardware controls, which meet the current government security policy framework.

For more information, please see 'How Government uses your data' section.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) please visit:

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>

## Local Authorities

We may be required to share information about our pupils with the local authority to ensure that they can conduct their statutory duties under

- the Schools Admission Code, including conducting Fair Access Panels.

## The National Pupil Database (NPD)

Much of the data about pupils in England goes on to be held in the National Pupil Database (NPD).

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department.

It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

To find out more about the NPD, go to

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

## Sharing by the Department

The law allows the Department to share pupils' personal data with certain third parties, including:

- schools
- local authorities
- researchers

- organisations connected with promoting the education or wellbeing of children in England
- other government departments and agencies
- organisations fighting or identifying crime

For more information about the Department's NPD data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website: <https://www.gov.uk/government/publications/dfе-external-data-shares>

To contact DfE: <https://www.gov.uk/contact-dfe>

### Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact Denise Barkham.

You may also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

### Last Updated

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on 22<sup>nd</sup> June 2020.

### Contact

If you would like to discuss anything in this privacy notice, please contact:

**Denise Barkham, GDPR Administrator**

**Tel: 01793 734754**

**Email: [admin@oakhurst.swindon.sch.uk](mailto:admin@oakhurst.swindon.sch.uk)**

**SchoolPro TLC Ltd – DPO**

**<http://schoolpro.uk>**