

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about pupils.

We are the 'data controller' for the purposes of data protection law.

Our data protection officer is :Mrs Tracy Thorley, Local Authority Data Protection Officer

**Why do we collect and use pupil information?**

We collect and use pupil information for general purposes such as reporting SATs results to the DfE and submitting our school Census to the Local Authority.

From the 25<sup>th</sup> May 2018 the Data Protection Act of 1998 will be replaced by the General Data Protection Regulation (GDPR). The condition for processing under the GDPR will be:

Article 6:

1. Processing shall be lawful only if and to the extent that at least one of the following applies:
2. c) Processing is necessary for compliance with a legal obligation to which the controller is subject;

Article 9:

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or political beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.
2. Paragraph 1 shall not apply if one of the following applies:

(j) Processing is necessary for achieving purposes in the public interest, scientific or historical research purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The education (Information about Individual Pupils) (England) Regulations 2013 –

Regulation 5 'Provision of information by non-maintained special schools and Academies to the Secretary of State' states 'Within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special school or an Academy (shall provide to the Secretary of State such of the information referred to in Schedule 1 and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.'

The Education Act 1996 – Section 537A – states that we provide individual pupil information as the relevant body such as the Department of Education.

Children's Act 1989 – Section 83 – places a duty on the Secretary of State or others to conduct research.

**We use the pupil data:**

- \*to support pupil learning
- \*to monitor and report on pupil progress
- \*to provide appropriate pastoral care
- \*to assess the quality of our services

\*to comply with the law regarding data sharing

### **The categories of pupil information that we collect, hold and share include:**

- \*Personal information (such as name, unique pupil number and address)
- \*Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- \*Attendance information (such as sessions attended, number of absences and absence reasons)
- \*Academic assessment information (such as attainment data in Reading ,writing and Maths)
- \*Information in relation to medical or special educational needs
- \*Information about pupil exclusions/behaviour
- \*Transition information (such as the schools pupils move on to)

### **Collecting pupil information**

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

### **Our legal basis for using this data**

We only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where:

We need to comply with a legal obligation

We need it to perform an official task in the public interest

Less commonly, we may also process pupils' personal data in situations where:

We have obtained consent to use it in a certain way

We need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

### **How we store this data**

We keep personal information about pupils 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. Our record retention schedule sets out how long we keep information about pupils.

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

We routinely share pupil information with:

- \*schools that the pupil's attend after leaving us
- \*our local authority
- \*the Department for Education (DfE)
- \*School nurse/Educational Psychologist/Medical Agencies

### **Why we share pupil information**

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

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

## **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.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- \*conducting research or analysis
- \*producing statistics
- \*providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- \*who is requesting the data
- \*the purpose for which it is required
- \*the level and sensitivity of data requested: and
- \*the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

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 Mrs L Ecclestone at the school office.

You 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
- \*claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern 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/>

Contact:

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

Mrs T Jackson (Headteacher) or Mrs L Ecclestone (Bursar)