



PRIVACY NOTICE

May 2018

Privacy Notice (How we use pupil information)

This notice is to help you understand how and why we collect personal information about you and what we do with that information.

Personal information is information that identifies you as an individual and relates to you. This includes information such as your child's name, date of birth and address as well as things like medical details and behaviour records.

The School may also record religion or ethnic groups. Photos and video recordings of your child are also considered personal information.

The notice also explains the decisions that you can make about your child's information. If you have any questions about this notice please contact the school's Business Manager.

Please be aware this applies alongside any other information the School may provide about a particular use of personal data, for example when collecting data via an online or paper form. This Privacy Notice also applies in addition to the School's other relevant terms and conditions and policies, including:

- any contract between the School and its staff or the parents of students;
- the School's policy on taking, storing and using images of students;
- the School's policy on the use of CCTV;
- the School's retention of records policy;
- the School's safeguarding and pastoral policies;
- the School's Health and Safety policy, including how concerns or incidents are recorded;
- the School's IT policies, including its Acceptable Use policy, e-Safety policy

All school policies can be found on the school's website – if not please contact the school office and we will happily email them out to you.

The types 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)
- On occasion, we may need to share information with the police.
- We use CCTV to make sure the school site is safe. CCTV is not used in private areas such as toilets.
- We may take photographs or videos of your child at School events to use on the School website.

- Depending on where your child will go when they leave us we may need to provide their information to other schools.

In addition, the School may need to process “special category” personal data (concerning health, ethnicity, religion, or sexual life) in accordance with the rights or duties imposed on it by law, including as regards safeguarding or from time to time by explicit consent where required. These reasons may include:

- To safeguard student welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition where it is in the individual's interests to do so: for example for medical advice.
- To provide support services in the context of any special needs of a student;
- To provide appropriate consideration in the context of any religious beliefs;
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

Why we collect and use this information

This section contains information about the legal basis that we are relying on when handling your information.

Legitimate interests: This means that the processing is necessary for legitimate interests except where the processing is unfair to you. The School relies on legitimate interests for most of the ways in which it uses your information.

Specifically, the School has a legitimate interest in:

- Safeguarding and promoting the welfare of students;
- Supporting Pupil Learning;
- Facilitating the efficient operation of the School;
- Ensuring that all relevant legal obligations of the School are complied with;
- Monitoring and reporting on pupil progress;
- Providing appropriate pastoral care;
- Assessing the quality of our services;

Legal obligation: Where the School needs to use your information in order to comply with a legal obligation. We may also have to disclose your information to third parties such as the Courts, the Local Authority or the Police where legally obliged to do so.

Vital interests: For example, to prevent someone from being seriously harmed.

Public interest: The School considers that it is acting in the public interest when providing education.

The School must also comply with an additional condition where it processes special categories of personal information. These special categories are as follows:

Personal information: revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, and information about sex life or orientation.

Substantial public interest: The processing is necessary for reasons of substantial public interest.

Vital interests: To protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.

Legal claims: The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers.

Medical purposes: This includes medical treatment and the management of healthcare services.

We may ask for your consent to use your information in certain ways. If we ask for your consent to use your personal information you can take back this consent at any time. Any use of your information before you withdraw your consent remains valid. Please speak to schools Business Manager if you would like to withdraw any consent given.

Sending information to other countries:

We may send your information to other countries where:

- We store information on computer servers based overseas.
- Communicate with you about your child by email (some email services are hosted abroad)

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: http://ec.europa.eu/justice/data-protection/internationaltransfers/adequacy/index_en.htm 4

If the country that we are sending your information to is not on the list, is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland) then it might not have the same level of protection for personal information as there is in the UK.

How the School Collects Data

Generally, the School receives student personal data directly from their parents. This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments). However in some cases personal data may be supplied by third parties (for example another School, or other professionals or authorities working with that individual); or collected from publicly available resources.

For how long do we keep your information?

The School will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and pupil personnel files is up to 7 years following departure from the School. However, incident reports and safeguarding

files will need to be kept much longer, in accordance with specific legal requirements. If you have any specific queries about how this policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the school's Business Manager or the schools Data Protection Officer.

Who has access to personal data and who the school shares it with.

Occasionally, the School will need to share personal information relating to its community with third parties, such as medical professional or relevant authorities.

For the most part, personal data collected by the School will remain within the School, and will be processed by appropriate individuals only in accordance with access protocols. Particularly strict rules of access apply in the context of:

- Medical records held and accessed only by the School Nurses and appropriate staff;
- Safeguarding files.

However, a certain amount of any medical, pastoral and SEN pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

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.

Staff, students and parents are reminded that the School is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as Social Services or police. For further information about this, please view the School's Safeguarding Policies.

For the purposes of maintaining a safe and secure environment, the School reserves the right to monitor all internet traffic through its filtering systems and all domain joined devices through e-Safe monitoring software and services.

Finally, in accordance with Data Protection Law, some of the School's processing activity is carried out on its behalf by third parties, such as MIS systems, email support, cloud storage and pupil assessment . Where possible this is subject to contractual assurances that personal data will be kept securely and only in accordance with the School's specific directions.

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>.

Youth support services

Pupils aged 13+

Once our pupils reach the age of 13, we also pass pupil information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent or guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once he/she reaches the age 16.

Pupils aged 16+

We will also share certain information about pupils aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers
- youth support services
- careers advisers

For more information regarding services for young people please visit our local authority website. The National Pupli 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 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, you have the right to request access to information about you that we hold. To make a request for your personal information, contact Issy Johnson, School Business Manager.

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, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Further information

If you would like to discuss anything in this privacy notice, please contact:
The School's Business Manager (issy.johnson@baytreeschool.co.uk)

