



# Privacy Notice

Approved by: Finance & Personnel Committee

Date: June 2018

## Privacy Notice

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

We collect and use pupil information under the Data Protection Act 1998 (DPA) and "Article 6" and "Article 9" of the General Data Protection Regulation (GDPR).

Article 6 (GDPR) condition: Processing is necessary for compliance with a legal obligation to which the data controller is subject.

Article 9 (GDPR) condition: For substantial public interest on legal basis.

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

We may also receive information from their previous school or college, local authority, the Department for Education (DfE) and the Learning Records Service (LRS).

**Note:** Schools and local authorities have a (legal) duty under the DPA and the GDPR to ensure that any personal data they process is handled and stored securely.

## (How we use pupil information)

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

- Personal information (such as name, unique pupil number, date of birth, gender, photographs, address.)
- Parental and other emergency contact details (such as name, address, telephone contacts, email address, relationship to child)
- Characteristics (such as ethnicity, language, nationality, religion, country of birth and free school meal eligibility)
- Medical information (such as dietary needs, allergies and medical needs, medical practitioners contact details)
- Welfare (such as disabilities, child protection, looked after child information)
- Attendance information (such as sessions attended, number of absences and absence reasons, school history )
- Behaviour & Exclusions ( such as incidents and exclusions from activities/ school)
- Assessment (such as achievements, test results, progress made)

- Special Educational Needs (such as IEPs, EHCP's, )
- Parental consent (such as photographs, internet, publicity)
- For details of what we collect, hold and share, please visit the Information Commissioner's Office (ICO) Data Protection Register on <https://ico.org.uk/esdwebpages/search> and enter Whinfield Reference number Z8770609

## Why we collect and use this information

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
- Provide activities from external providers

## The lawful basis on which we use this information

We collect and use pupil information under Article 6 and Article 9 of the General Data Protection Regulation (GDPR):

- **Consent:** the individual (or their parent) has given us clear consent to process their personal data for a specific purpose.
- **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- **Vital interests:** the processing is necessary to protect someone's life.
- **Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

## 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. For example: pupil permissions.

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.

## Storing pupil data

- We hold pupil data for no longer than is necessary. Full details of data retention lists can be found in the *Records Management Society's (RMS) Retention Guidelines for Schools*.

## Who we share pupil information with

We routinely share pupil information with:

- schools that the pupil's attend before / after leaving us
- our local authority including Educational Psychology Service
- Other local authorities
- the Department for Education (DfE)
- Other authorities such as Social Services
- The NHS such as school nursing teams, Camhs, Occupational and Speech & Language Therapy etc
- Sports partnership and coaching providers
- Companies who provide catering, leadership and data services to the school □  
Online service providers

## 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.

We share information with:

- Other schools to ensure smooth transitioning and the well being of our pupils.
- Other local Authorities where they have a statutory responsibility for our pupils and or provide the school with support services e.g. ICT and GDPR support
- Other authorities, Social services to safeguard our pupils and provide early help
- NHS and school nursing service to provide vaccinations and statutory checks and early help
- Other companies to analyse pupil results and data on schools behalf.
- Online and cloud services to access their systems e.g. email, file storage, programmes and applications.

## 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 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-requestsreceived>

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 The School Office in writing or email [DPO@whinfield.net](mailto:DPO@whinfield.net).

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 request 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/>

## Contact

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

**The school office in writing or email**

**DPO@whinfield.net**

**Our Data Protection officer is**

**SchoolsDPO@Veritau.co.uk**

## Privacy Notice (How we use school workforce information)

**The categories of school workforce information that we collect, process, hold and share include:**

- personal information (such as name, employee or teacher number, national insurance number, next of kin)
- special categories of data including characteristics information ( such as gender, age, ethnic group, medical information)
- contract information (such as start dates, hours worked, post, roles and salary information)
- Payroll information (such as SSP, SMP, benefits in kind, student loans)
- work absence information (such as number of absences and reasons) □ qualifications (and, where relevant, subjects taught)

## Why we collect and use this information

We use school workforce data to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid
- Monitor and manage staff wellbeing and attendance
- Contractual agreements
- Support other agencies in their statutory duties; such as student loan company

## The lawful basis on which we process this information

We process this information under Article 6 and Article 9 of the General Data Protection Regulation (GDPR):

- Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
- Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
- Vital interests: the processing is necessary to protect someone's life.
- Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

## Collecting this information

Whilst the majority of information employees and other adults working voluntarily in school provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.



## Storing this information

Our retention policy details how long we hold data for, this includes pupil data. The length of time can vary depending on the legal requirements and whether it is sensitive information.

## Who we share this information with

We routinely share this information with:

- our local authority
- the Department for Education (DfE)
- Other local Authorities
- Other schools to ensure smooth transitioning and the wellbeing of our pupils.
- Other local Authorities where they have a statutory responsibility for our pupils and or provide the school with support services e.g. ICT and GDPR support
- Other authorities, Social services to safeguard our pupils and provide early help
- Online and cloud services to access their systems e.g. email, file storage, programmes and applications.

## Why we share school workforce information

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

### **Local authority**

We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

### **Department for Education (DfE)**

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment.

We are required to share information about our school employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

We share information with:

- Other schools who provide our staff with training and development opportunities.
- Other local Authorities where they have a statutory responsibility for our pupils and or provide the school with support services e.g. Payroll, ICT and GDPR support and or training and development opportunities
- Other authorities, Social services to safeguard our pupils and provide early help
  - Other companies to support the school in a HR and leadership capacity.
- Online and cloud services to access their systems e.g. email, file storage, programmes and applications.

## Data collection requirements

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

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

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal 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 securely store and handle the data

To be granted access to school workforce information, organisations must comply with its 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>

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

## Requesting access to your personal data

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You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
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## Further information

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