



The Active Learning Trust  
ACTIVE LEARNERS · ACTIVE LEADERS · ACTIVE CITIZENS

# Privacy Notice for Pupils

To be reviewed on an annual basis by the Trust Board

## History of Document

Issue No	Author	Date Reviewed	Approved by Trust Board	Comments
1	DPO	24/5/18	-	1 <sup>st</sup> issue
2	DPO	12/7/18	-	Cctv, suppliers and service providers, school social media
3	DPO	10/1/19	-	Withdrawal of consent
4	DPO	10/10/19	-	New education authority, trainee teachers, school meal providers
5	DPO	8/1/20	-	Cctv minibuss
6	DPO	10/6/20	-	Video conferencing
7	DPO	20/8/20	-	Covid-19 track and trace
8	DPO	1/11/20	17/12/20	ALT new address, transfer data internationally
9	DPO	June 2022	14/7/22	Many changes
10	DPO	6 March 2023		Change of DPO

## Overview

Pupils have a legal right to be informed about how the Active Learning Trust (“Trust”) uses any personal information it holds about them. To comply with this, the Trust provides a ‘Privacy Notice’ to pupils which explains how the Trust collects, stores and uses pupils’ personal data.

The school is part of the Multi Academy Trust called the Active Learning Trust (“Trust”). The Trust is the “Data Controller” for the purposes of data protection law. This means that it is responsible for deciding how it holds and uses personal data about pupils. Its address is Cromwell Community College, Wenny Road, Chatteris, Cambridgeshire, PE16 6UU.

Pupils can contact their Head teacher if they want to discuss a school’s use of their personal information. Pupils can also contact the Active Learning Trust’s Data Protection Officer - The ICT Service at email: [dpo@theictservice.org.uk](mailto:dpo@theictservice.org.uk)

“Pupil” refers to all children on roll in any school within the Trust.

## What is Personal Data?

Personal data means any information relating to a living individual who can be identified (directly or indirectly) in particular by reference to an identifier (e.g. name, pupil number, email address, physical features). It can be factual (e.g. contact details or date of birth), an opinion about an individual’s actions or behaviour, or information that may otherwise impact that individual in a personal or business capacity.

Data protection law divides personal data into two categories: ordinary personal data and special category data. Any personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sexual life or sexual orientation, or biometric or genetic data that is used to identify an individual is known as special category data. (The rest is ordinary personal data).

## Categories of Pupils Personal Data that the Trust processes

- Personal identifiers and contacts (such as name, unique pupil number, contact details and address);
- Characteristics (such as ethnicity, language, and free school meal eligibility);
- Safeguarding information (such as court orders and professional involvement);

- Special educational needs and disabilities information (including specific learning difficulties, medical and learning needs and ranking), information from other professional services, information contained in an Education Health & Care Plan “EHCP”);
- Medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements, information forming part of an EHCP, medical incidents that have occurred inside and outside of school that may affect learning or safety, physical or mental health needs);
- First aid incidents and accident information;
- Attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended);
- Assessment and attainment (such as key stage 1 and phonics results, key stage 2 results, GCSE results and post 16 courses enrolled for and any relevant results)
- Behavioural information (such as rewards, achievements, behaviour incidents, detentions, exclusions and any relevant alternative provision put in place);
- Information about free school meal and pupil premium eligibility;
- Information for catering management purposes (e.g. whether a pupil has school dinners and how often);
- School trip information (such as consents and current medical issues, or voluntary contributions made);
- Biometric details for printing, cashless catering, electronic registration, library book borrowing and door entry systems;
- The use of CCTV images captured in a school’s premises;
- Bank account information (for 6th formers in receipt of bursary payments only)
- Images captured by CCTV footage at a school’s premises and in any school - owned modes of transport etc;
- Photographs - more details about this are in the Trust’s Use of Images Policy;
- Transport arrangements (such as bus number and route);
- Information about the use of the Trust’s IT, communications and other systems, and other monitoring information;
- Post-16 information (such as destinations data, UCAS applications and grants);
- Giving and receive information and references about past, current and prospective pupils, and to provide references to potential employers of past pupils;

- Special categories of personal data (including race, biometric data, ethnicity, relevant medical information, health, sexual orientation, special educational needs information);

## **Why the Trust collects Personal Data**

The Trust uses personal data to:

- support pupils' learning
- monitor and report on pupil attainment and progress
- enter pupils for examinations
- provide appropriate pastoral care
- assess the quality of the Trust's services
- to keep children safe (food allergies, or emergency contact details)
- to celebrate pupils' achievements
- to comply with the statutory duties placed on the Trust by DfE data collections
- contact parents/carers
- transfer personal Sixth Form Bursary payments
- administer admissions waiting lists
- carry out research

## **How the Trust collects Pupil Personal Data**

While the majority of information the Trust collects about pupils is mandatory, there is some information that can be provided voluntarily. Whenever the Trust seeks to collect information from a child, the Trust makes it clear whether providing it is mandatory or optional. If it is mandatory, the Trust will explain the possible consequences of not complying.

The Trust collects personal data directly via forms or electronically (secure file transfer) when a child joins one of the Trust's school from a pupil's previous school or from a child's parents/carers. The Trust also collects pupils' personal data from indirect sources such as the Local Authority.

## **Lawful Basis for collecting and processing Personal Data**

The use of pupil information for these purposes is lawful for the following reasons:

- Legal Obligation - The Trust is under a legal obligation to collect the information or the information is necessary for the Trust to meet legal requirements imposed upon it such as the Trust's duty to safeguard pupils.
- Public Interest - It is in the public interest to provide educational services to pupils and to offer extracurricular activities such as, but not limited to,

afterschool clubs to benefit the personal and academic growth of pupils or where the Trust engages with universities and other educational establishments that offer enrichment.

- Consent - The Trust will not usually need a pupil's consent to use their information. However consent may be required where the Trust is involved in activities which are not really part of the role as a Trust but it thinks it would benefit the Trust's pupils e.g. school photographs. If a pupil provides their consent, they may change their mind at any time. If the Trust thinks that a pupil will not understand what it is asking, then it will ask a pupil's parent or carer instead. Usually, the Trust will involve a pupil's parents or carers even if a pupil can make their own decision.
- Legitimate interests - This may include supporting pupil learning by recording lessons and making the recording available to pupils where a pupil cannot attend a lesson (e.g. because the pupil is ill or the relevant parent is unavailable to supervise);
- Contract - Personal data will be collected and/or processed for the purposes of relevant contracts for the provision of services which are paid for. This may include but is not limited to:
  - The provision of music tuition
  - School trips
  - Entering pupils for examinations

## **Lawful Basis for collecting and processing Special Category Personal Data**

The Trust only collects and uses more sensitive personal data when it has both a lawful basis, as set out above, and one of the following conditions for processing as set out in data protection law:

- A Pupil's explicit consent has been provided by a pupil to use their information in a certain way
- The Trust needs to use pupils' information under employment, social security or social protection law
- To protect the vital interests of a pupil. This is applicable where a pupil's life could be at risk and they are physically or legally incapable of giving consent and the Trust needs to share or make available information to help them. This could involve sharing serious allergy information with employees, paramedics (or other medical professionals), or other information requested by the police or social services, to assist them in their enquiries to protect a pupil
- The information has already been made obviously public by a pupil

- The Trust needs to use it to make or defend against legal claims
- The Trust needs to use it for reasons of substantial public interest as defined in legislation
- The Trust needs to use it for health or social care purposes, and it's used by, or under the direction of, a professional obliged to confidentiality under law
- The Trust needs to use it for public health reasons, and it's used by, or under the direction of, a professional obliged to confidentiality under law
- The Trust needs to use it for archiving purposes, scientific or historical research purposes, or for statistical purposes

For criminal offence data, the Trust will only collect and use it when it has both a lawful basis, as set out above, and a condition for processing as set out in data protection law. Conditions include:

- The Trust has obtained a pupil's consent to use it in a specific way
  - The Trust needs to protect an individual's vital interests (i.e. protect a pupil's life or someone else's life), in situations where a pupil is physically or legally incapable of giving consent
  - The data concerned has already been made obviously public by a pupil
  - The Trust needs to use it as part of legal proceedings, to obtain legal advice, or to make or defend against legal claims
  - The Trust needs to use it for reasons of substantial public interest as defined in legislation

For the avoidance of doubt where special categories of personal data are collected it shall not be used for the purposes of automated decision making and/or profiling.

## SHARING PERSONAL DATA

Once pupils reach the age of 13, the law requires the Trust to pass on certain information to the appropriate County Council who have responsibilities in relation to the education or training of 13-19 year olds. The Trust may also share certain personal data relating to children aged 16 and over with post-16 education and training providers in order to secure appropriate services for them. A parent / carer can request that **only** their child's name, address and date of birth be passed to the appropriate County Council by informing a School's office and data manager. This right is transferred to the child once he / she reaches the age 16. For more information about services for young people, please go to the appropriate local authority website –

<https://www.cambridgeshire.gov.uk/residents/children-and-families/>

<https://www.suffolk.gov.uk/children-families-and-learning/>

The Trust will not give information about its pupils to anyone without a pupil's consent unless the law and its policies allow it to do so. If a pupil wants to receive a copy of the information about them that the Trust holds they should contact their school's Headteacher.

The Trust is required, by law (under regulation 5 of the Education (Information about Individual Pupils) England Regulations 2013, to pass some information about pupils to the Department for Education (DfE) as part of statutory collections such as the school census and early years' census.

The DfE is the part of the Government which is responsible for schools. This information may, in turn, then be made available for use by the Local Authority.

#### The National Pupil Database (NPD)

The NPD is owned and managed by the DfE 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.

Some of the personal data in the statutory collections is stored in the NPD. To find out more about the pupil information the Trust shares 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 [National pupil database: user guide and supporting information - GOV.UK](#).

The Department may share information about 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 personal 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>

The Trust will also normally give information about pupils to their parents /carers. Where appropriate, the Trust will listen to a pupil's views first and will also take family circumstances into account, in particular where a Court has decided what information a parent is allowed to have.

The Trust will also disclose a pupil's personal data to:

- A pupil's family and representatives
- New school if a pupil moves school
- School nurse, school counsellor and other medical professionals
- NHS and Health Authorities
- Health and Social Welfare Organisations e.g. CAMHS (Child and Adolescent Mental Health Service)
- Youth support services (pupils aged 13+)
- Professional advisers and consultants
- Careers specialist for careers advice
- Educators and Examining Bodies; UCAS
- Trainee teachers and agency cover staff who are not employed by the Trust and work in the school
- Local Authorities – Cambridgeshire County Council, Suffolk County Council and new education authority if a pupil move schools
- Police, Fire and Rescue Service, Ambulance Service and other emergency or enforcement agencies
- The Trust's regulator (the organisation or "watchdog" that supervises the



- Trust), Ofsted
- Schools within the Active Learning Trust
  - Computer systems that require data to function (such as our online assessment tool)
  - Internal and External Auditors
  - A school's curriculum may require the use of third party web-based learning platforms only if GDPR compliant
  - Suppliers and Service Providers to enable them to provide the service the School/Trust has contracted them for e.g. after school clubs
  - Financial organisations
  - Video conferencing software, which is GDPR compliant, used as a medium to provide remote online teaching and learning
  - ICT support suppliers e.g. support for the school's student information management system (SIMS)/ Integrators linking SIMS to another software
  - School meal providers where relevant allergy information is vital
  - Police forces, courts, tribunals in order to uphold law and order
  - Photos to Funders to provide evidence how the Trust has spent grant monies
  - The Public (only a pupil's name and where explicit consent has been received, their photo) on a school's website, in the Trust's and School's Social Media e.g. Headteacher's tweets, School Blog and School Facebook Page, Press and Media

## **Transferring Personal Data Internationally**

The Trust doesn't normally transfer personal information to a different country which is outside the European Economic Area (EEA). This would usually only happen if one of a pupil's parents or carers lives abroad or if a pupil moves to a new school abroad. If this happens the Trust will be very careful to make sure that it is safe to transfer a pupil's personal information and will look at whether that other country has good data protection laws for example.

If the Trust can't be sure that it is safe then it will talk to a pupil and their parents/carers and make sure that everyone is happy for the Trust to send a pupil's information.

Some of the Trust's external third party service providers are based outside the EEA, or are global organisations, so their processing of pupil personal data will involve a transfer of data outside the EEA. A list can be provided upon request.

Where the Trust transfers to a third party country or territory, it will do so in accordance with UK data protection law.

## How long the Trust keeps Personal Data

The Trust only keep pupil information for as long as it needs to or for as long as the law requires it to. Most of the information the Trust has about a pupil will be in their pupil file and this held until a former pupil's 25<sup>th</sup> birthday unless they move to another school in which case the Trust transfers a pupil's file to their new school. The Trust's Records Retention Policy explains how long it keeps information.

## Data Protection Rights

A pupil has the following rights under the data protection laws:

- To be told how their personal data is being processed (this Privacy Notice).
- To request access to their personal information—This is known as making a 'Subject Access Request' (SAR). If a pupil makes a subject access request, and if the Trust holds information about a pupil, it will:
  - Provide a description of it
  - Advise why it holds and processes it, and how long it will keep it for
  - Explain where it got the personal data from
  - Advise who it has been, or will be, shared with
  - Confirm if any automated decision-making is being applied to the data, and any consequences of this
  - Provide a copy of the information in an intelligible form within a month, unless an extension is necessary on the ground of the complexity of the request
- To have personal data rectified, if it is inaccurate or incomplete
- To request the deletion or removal of personal data where there is no compelling reason for its continued processing.
- To restrict the Trust's processing of their personal data (i.e. permitting its storage but no further processing).
- To object to processing being used for public interest or direct marketing purposes (including profiling) and processing for the purposes of scientific/historical research and statistics
- To withdraw consent to processing, although the Trust may still continue to process a pupil's personal data if a lawful basis other than consent applies.

- To have personal information, which a pupil has provided, transmitted electronically to another organisation in certain circumstances.
- Not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect - unless a pupil has agreed or in other limited circumstances
- Complain if they are not happy with the way their personal data has been handled, and to escalate this to the Information Commissioner if they remain dissatisfied.

There is more information in the Trust's Data Protection Policy or a pupil can ask their Headteacher or ask the Trust's Data Protection Officer on email [dpo@theictservice.org.uk](mailto:dpo@theictservice.org.uk). The Data Protection Policy can be found on the Trust's website.

## **Complaints/Concerns**

The Trust takes any complaints about its collection and use of personal information very seriously.

If a pupil thinks that the Trust's collection or use of personal information is unfair, misleading or inappropriate, or have any other concern/complaint about its data processing, a pupil should raise this with the Trust's Data Protection Officer in the first by email: [dpo@theictservice.org.uk](mailto:dpo@theictservice.org.uk)

Alternatively, a pupil can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113 (local rate)
- Call 01625 545 745 (national rate)
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF