



ALL SAINTS CE (VC) PRIMARY SCHOOL

PRIVACY NOTICE

Privacy Notice (How we use pupil information) May 2018

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 : _____, 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.

The lawful basis for processing personal data

These are set out in Article 6 of the General Data Protection Regulation (GDPR). At least one of these must apply whenever we process personal data:

- a) **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- b) **Contract:** the processing is necessary for a contract we have with the individual, or because they have asked us to take specific steps before entering into a contract.

c) Legal obligation: the processing is necessary for us to comply with the law (not including contractual obligations).

d) Vital interests: the processing is necessary to protect someone's life.

e) 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.

f) Legitimate interests: the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. This cannot apply if we are a public authority processing data to perform your official tasks. Public authorities will need to rely on official functions.

Where we are processing special category data, set out in Article 9 of *GDPR*, as well as one of the six lawful basis for processing, you must ensure that a condition for processing from the following list applies:

a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject.

b) 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 employment and 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.

c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.

d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects.

e) processing relates to personal data which are manifestly made public by the data subject.

f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate 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.

h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3.

i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.

j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical 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 and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

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/nationalpupil-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 MrsKatie Carthy in 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:

Mr Adrian Dipple (Headteacher) or Mrs Katie Carthy (Administration)