



# GDPR PRIVACY NOTICE FOR PUPILS AND PARENTS / CARERS

---

## Introduction

This privacy notice describes how we collect and use personal information about pupils, in accordance with the UK General Data Protection Regulation (UK GDPR), section 537A of the Education Act 1996 and section 83 of the Children Act 1989.

Following Brexit, Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relate to general personal data processing, powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

If you have any questions about this privacy notice then please contact the GDPR Team: [gdprteam@durhamjohnston.org.uk](mailto:gdprteam@durhamjohnston.org.uk).

## Personal information – what is it?

Personal information is information that relates to a living individual who can be identified from that data. Identification can be made by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession.

## Who processes the information?

Durham Johnston is the data controller of the personal information you provide to us. This means the school determines the purposes for which, and the manner in which, any personal data relating to pupils and families is to be processed.

This notice does not form part of any contract to provide services and we may update this notice at any time.

It is important that you read this notice with any other policies mentioned within this privacy notice, so that you are aware of how and why we are processing your information, what your rights are under data protection legislation and the procedures we take to protect your personal data.

## Categories of Pupil Information We Collect, Process, Hold and Share

We may collect, store and use the following categories of personal information about you:

- Personal information such as name, pupil number, date of birth, gender and contact information;
- Emergency contact and family lifestyle information such as names, relationship, phone numbers and email addresses;
- Characteristics (such as language, and free school meal eligibility);
- Attendance details (such as sessions attended, number of absences and reasons for absence);
- Performance and assessment information;
- Behavioural information (including exclusions);
- Images of pupils engaging in school activities, and images captured by the School's CCTV system;
- Information about the use of our IT, communications and other systems, and other monitoring information;
- Financial details;
- Post 16 learning information;
- Recordings of pupils and/or parents from the school's video conferencing platform;

We may also collect, store and use the following more sensitive types of personal information:

- Information about your race or ethnicity, religious or philosophical beliefs
- Information about your health, including any medical conditions and sickness records.
- Special educational needs information;
- Biometric data.

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. To comply with the UK 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.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

### **How We Use Your Personal Information**

We hold pupil data and use it for:

- Pupil selection (and to confirm the identity of prospective pupils and their parents);
- Providing education services and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Informing decisions such as the funding of schools;
- Assessing performance and to set targets for schools;
- Safeguarding pupils' welfare and providing appropriate pastoral (and where necessary medical) care;
- Support teaching and learning;
- Giving and receive information and references about past, current and prospective pupils, and to provide references to potential employers of past pupils;
- Managing internal policy and procedure;
- Enabling pupils to take part in assessments, to publish the results of examinations and to record pupil achievements;
- To carry out statistical analysis for diversity purposes;
- Legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with legal obligations and duties of care;
- Enabling relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate;
- Monitoring use of the school's IT and communications systems in accordance with the school's IT security policy;
- Making use of photographic images of pupils in school publications, on the school website and on social media channels;
- Security purposes, including CCTV; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.
- To provide support to pupils after they leave the school.

### **The Lawful Bases on which we use this Information**

We will only use your information when the law allows us to. Most commonly, we will use your information in the following circumstances:

- Consent: the individual has given clear consent to process their personal data for a specific purpose;
- Contract: the processing is necessary for a contract with the individual;
- Legal obligation: the processing is necessary 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 to perform a task in the public interest or for official functions, and the task or function has a clear basis in law; and
- The Education Act 1996: for Departmental Censuses 3 times a year. More information can be found at: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

We need all the categories of information in the list above primarily to allow us to comply with legal obligations. Please note that we may process information without knowledge or consent, where this is required or permitted by law.

### **How we use particularly sensitive personal information**

Special categories of particularly sensitive personal information, such as information about your health, racial or ethnic origin, sexual orientation, or biometrics require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations in line with our data protection policy.
- Where it is needed in the public interest, such as for equal opportunities monitoring.
- Where it is necessary to protect you or another person from harm.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

### **Sharing Data**

We may need to share your data with third parties where it is necessary. There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared unless it's the only way we can make sure you stay safe and healthy, or we are legally required to do so.

We share pupil information with:

- The Department for Education (DfE) - on a statutory basis under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013;
- Ofsted;
- Other Schools that pupils have attended/will attend;
- NHS;
- Welfare services (such as social services);
- Law enforcement officials such as police, HMRC;
- Local Authority Designated Officer;
- Professional advisors such as lawyers and consultants;
- Support services (including insurance, IT support, information security);
- Providers of learning software;
- The Local Authority;
- Youth support services – under section 507B of the Education Act 1996, to enable them to provide information regarding training and careers as part of the education or training of 13–19-year-olds;

The school is required to share pupils' data with the Department for Education (DfE) and the Education and Skills Funding Agency (ESFA) on a statutory basis. We are required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information about Individual Pupils) (England) Regulations 2013.

### **Biometric Data**

At Durham Johnston Comprehensive School we would like to use your information as part of an automated (i.e. electronically operated) recognition system. This is for the purposes of catering. The information that we wish to use is referred to as 'biometric information'. This data will only be processed once we have obtained appropriate consent. For further information please see our Data Protection Policy.

### **How long is personal information stored?**

Personal data relating to pupils and their families is stored in line with the school's retention guidelines, in accordance with the GDPR Data Protection Policy.

In accordance with UK GDPR, the school does not store personal data indefinitely; data is only stored for as long as necessary to complete the task for which it was originally collected or to meet statutory requirements for data retention.

### **How do we keep information secure?**

The security of your personal information is important to us. This is why we follow a range of security policies and procedures to control and safeguard access to and the use of your personal information.

### **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 on how this sharing process works, please visit: [How DfE shares personal data - GOV.UK \(www.gov.uk\)](#)

### **Youth support services**

What is different about 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 / 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 they reach the age of 16.

Our 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 all students, the school may also routinely share information with:

- Organisations who deal with pupil destinations upon leaving the school
- Multiple Local Authorities
- The Department for Education
- Medical professionals including School Nursing Service
- Higher Education / Further Education Providers
- Organisational partners of Local Authorities
- Third party organisations including Police
- Specialist Provision Providers

## Is personal information processed outside the European Economic Community (EEC)?

We do not process your personal information outside the EEC as a rule. Should this change we will advise you of this and request any required consents.

## What are your information rights?

Parents / carers and pupils have the following rights in relation to the processing of their personal data.

You have the right to:

- Be informed about how your personal data is used;
- Request access to the personal data held;
- Request that your personal data is amended if it is inaccurate or incomplete;
- Request that your personal data is erased where there is no compelling reason for its continued processing;
- Request that the processing of your data is restricted;
- Object to your personal data being processed;
- Request your information be transmitted in a commonly used and machine-readable format to another data controller;
- Not be subject to automated decision-making including profiling.

**Where the processing of your data is based on your consent, you have the right to withdraw this consent at any time. To do this you can contact the GDPR Team via: [gdperteam@durhamjohnston.org.uk](mailto:gdperteam@durhamjohnston.org.uk).**

**You also have the right to request a copy of the personal data the school holds about you. You might not want all of the personal data that the school holds about you and we may be able to respond more quickly if you explain this and identify the specific data you want.**

**When making a data subject access request (DSAR), which can be made verbally or in writing, please include the following information:**

- Your name and contact details.
- Any details or relevant dates that will help the school to identify what you want.

**We are required to respond within 1 month of your request (and up to 2 months beyond this for very exceptional circumstances) if we cannot respond within 1 month we will write to you to tell you this and explain the reason(s) for it, however our aim is to respond to you within 15 days. We may be able to respond more quickly to your request if you contact us via the following email address: [gdperteam@durhamjohnston.org.uk](mailto:gdperteam@durhamjohnston.org.uk).**

**The school is entitled to satisfy itself as to the identity of the person making the request. The requester must provide evidence of their identity, we will ask you to send or bring in proof of ID including proof of address and a recognised form of photo ID (i.e. passport, driving licence).**

## IMPORTANT INFORMATION

- If you have any questions or queries about the Privacy Notice then please contact the GDPR Team: [gdperteam@durhamjohnston.org.uk](mailto:gdperteam@durhamjohnston.org.uk).
- If you have a concern about the way Durham Johnston School is collecting or using your personal data, you can raise a concern with our GDPR Team via: [gdperteam@durhamjohnston.org.uk](mailto:gdperteam@durhamjohnston.org.uk)
- We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by the GDPR Team, then you can contact the DPO on the details below:

Data Protection Officer: Judicium Consulting Limited  
Address: 72 Cannon Street, London, EC4N 6AE  
Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)  
Web: [www.judiciumeducation.co.uk](http://www.judiciumeducation.co.uk)  
Lead Contact: Craig Stilwell

- If your complaint is not resolved to your satisfaction and you wish to make a formal complaint you can contact the Information Commissioner's Office (ICO). The ICO can be contacted on 0303 123 1113, Monday-Friday 9am-5pm.
- This Notice is regularly reviewed. This is to make sure that we continue to protect your privacy. We reserve the right, at all times to update, modify or amend the Notice. We suggest that you review the Notice from time to time to ensure you are aware of any changes, however we will not significantly change how we use information you have already given to us without your prior agreement. The latest version of the Notice can be found at [www.durhamjohnston.org.uk](http://www.durhamjohnston.org.uk).