

## HOLLINGWORTH LEARNING TRUST PUPIL PRIVACY POLICY (Pupils over 12 years old)

<b>Reviewed:</b>	Spring 2024
<b>Version:</b>	5
<b>Next Review:</b>	<b>Live Document:</b> To be updated as and when new advice and guidance is received regarding Data Protection, GDPR and Freedom of Information.
<b>Approved By:</b>	To be reviewed by Trustees every 12 months



**VERSION INFORMATION**

<b>Version</b>	<b>Reason for Update</b>	<b>Author</b>	<b>Date</b>	<b>Approved By:</b>
<b>1</b>	Original Policy	S Collinge	Spring 2020	Headteacher
<b>2</b>	Review Update of Section 3 & 4	S Collinge	Spring 2021	Trustees
<b>3</b>	Review	S Collinge	Spring 2022	Trustees
<b>4</b>	Review Update of Trust Address	S Collinge	Spring 2023	Trustees
<b>5</b>	Review & Updated Updates to sections 2,3 & 4 to include filtering and monitoring, in line with KCSIE 2023	S Collinge	Spring 2024	Trustees

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## 1. Introduction

You have a legal right to be informed about how Hollingworth Learning Trust ("the Trust") uses any personal information that we hold about you. To comply with this, we provide a 'privacy notice' to you where we are processing your personal data.

This notice explains how we collect, store, and use personal data about **pupils at our schools**, like you.

Hollingworth Learning Trust is the 'data controller' for the purposes of data protection law.

Our Data Protection Officer is Ms Susan Collinge (see 'Contact us' below).

## 2. The personal data we hold.

We hold some personal information about you to make sure we can help you learn and look after you at school.

For the same reasons, we get information about you from some other places too – like other schools, the local council, and the government.

Personal information that we may collect, use, store, and share (when appropriate) about you includes, but is not restricted to:

- Your personal information, including contact details, contact preferences, date of birth, identification documents.
- Your results of internal and external examinations and attainment.
- Your pupil and curricular records.
- Your exclusion and behavioural information.
- Your attendance information.
- Safeguarding information.
- Details of any support received, including care packages, plans, and support providers.
- Biometric information.
- Information about your use of our information and communication systems, equipment and facilities (e.g. school computers).

We may also collect, use, store, and share (when appropriate) information about you that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to:

- Information about your characteristics like your ethnic background or any special educational needs.
- Information about any medical conditions you have.
- Digital Imagery and CCTV images captured in school.

Please note, this list is not exhaustive, to access the current list of categories of information we process please contact the Data Protection Officer.

We may also hold data about you that we have received from other organisations, including other schools and social services.

## 3. Why we use this data.

The personal data collected is essential for the academy to fulfil their official functions. We use the data listed above to:

- a) Get in touch with you and your parents when we need to.
- b) Support your learning.

- c) Monitor and report on your progress.
- d) Look after your wellbeing and provide you with appropriate pastoral care.
- e) Protect your welfare.
- f) Comply with the law regarding data sharing.
- g) Keep pupils safe (medical conditions, emergency contact information).
- h) Collect digital imagery for systems in school.
- i) Collect biometric information for systems in school.
- j) Check how you're doing in exams and work out whether you or your teachers need any extra help.
- k) Track how well the school, as a whole, is performing.
- l) Look after your wellbeing.
- m) Make sure our information and communication systems, equipment, and facilities (e.g. school computers) are used appropriately, legally, and safely.

### 3.1 Use of your personal data in automated decision making and profiling.

We don't currently put your personal information through any automated decision making or profiling process. This means we don't make decisions about you using only computers without any human involvement.

If this changes in the future, we will update this notice in order to explain the processing to you, including your right to object to it.

### 3.2 Use of your personal data for filtering and monitoring purposes

While you attend our school, we may monitor your use of our information and communication systems, equipment, and facilities (e.g. school computers). We do this so that we can:

- Comply with health and safety and other legal obligations.
- Comply with our policies (e.g. Child Protection Policy, IT Acceptable Use Policy) and our legal obligations.
- Keep our network(s) and devices safe from unauthorised access and prevent malicious software from harming our network(s).

## 4. Our lawful basis for using this data.

We will only collect and use your information when the law allows us to. We need to establish a 'lawful basis' to do this.

Our lawful bases for processing your personal information for the reasons listed in section 3 above are:

- For the purposes of **(a), (b), (c), (d), (e), (f), (g), and (l)**, in accordance with the **'public task'** basis, collecting and processing the data is necessary for the school fulfil our statutory functions.
- For the purpose of **(j), (k) and (m)** in accordance with the **'legal obligation'** basis, collecting and processing data is necessary for the trust to meet our responsibilities under law as set out here:
  - Data collected for the DfE Census
  - Section 537A of Education Act 1996
  - The Education Act 1996 s29(3)
  - The Education (School Performance Information)(England)Regulations 2007
  - Regulations 5 and 8 School Information (England)Regulations 2008
  - The Education (Pupil Regulations)(England)(Amendment)Regulations 2013

- Safeguarding obligations
- For the purposes of **(h) and (i)**, in accordance with the **'consent'** basis, parents/carers will be asked for consent by the school during the admissions process to process their child's information.
- For the purpose of **(g)**, in accordance with the **'vital interests'** basis, we will process data to keep children safe (e.g. food allergies, or medical conditions).

**Where you've provided us with consent to use your information, you have the right to withdraw your consent at any time. We will make this clear when requesting your consent and explain how you will go about withdrawing consent if you decide to so.**

#### **4.1 Our basis for using special category data.**

For 'special category' data (more sensitive personal information), we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in data protection law:

- We have obtained your explicit consent to use your information in a certain way.
- We need to use your information under employment, social security, or social protection law.
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent.
- The information has already been made obviously public by you.
- We need to use it to make or defend against legal claims.
- We need to use it for reasons of substantial public interest as defined in legislation.
- We need 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.
- We need to use it for public health reasons, and it's used by, or under the direction of, a professional obliged to confidentiality under law.
- We need to use it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the use is in the public interest.

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

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

#### **5. Collecting this data.**

While most of the information we collect about you is mandatory, there is some information that can be provided voluntarily.

Whenever we want to collect information from you, we make it clear if you have to give us this information (and if so, what the possible consequences are of not doing that), or if you have a choice.

Most of the data we hold about you will come from you or your parents/carers, via admissions forms and data checking forms, but we may also hold data about you from:

- Local authorities and previous schools
- Government departments or agencies
- Police forces, courts, tribunals

## 6. How we store this data.

We keep personal information about you secure while you're attending our school. We will also keep it beyond your attendance at our school for the set amount of time as shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit <http://irms.org.uk/page/SchoolsToolkit> .

We have security measures in place to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your personal data securely when we no longer need it.

## 7. Who we share data with.

We do not share information about you with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law), we may share personal information you child with:

- **Our local authority, Rochdale Borough Council** – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions.
- **Government departments or agencies, including the Department for Education** - The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under:

Regulation 5 of the Education (Information About Individual Pupils) (England) Regulations 2013. All data is transferred securely and held by DfE under a combination of software and hardware controls, which meet the current Government security policy framework.

- **Our youth support services provider, Positive Steps - Pupils aged 13+**

Once you reach the age of 13, we also pass your information to our local authority and / or provider of youth support services, currently Positive Steps, 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

The information shared is limited to your name, address, and date of birth. However, where a parent or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the child / pupil once they reach the age 16.

Data is securely transferred to the youth support service via the local authority and is stored securely. Data is held until the pupil's 22nd birthday or 26th birthday for pupils with identified special needs.

For more information about services for young people, please visit our local authority website.

- **Our regulator, Ofsted.**
- **Health authorities, including the NHS, PHE and the School Nurses Team.**
- **Our auditors.**
- **Health and social welfare organisations.**
- **Professional advisers and consultants.**

- **Charities and voluntary organisations.**
- **Police forces, courts, tribunals.**
- **Our suppliers and service providers.**

As part of the academy's day to day procedures, it will share information about pupils to approved systems on the Trust's data ecosystem. To view the full list of Trust's systems please visit the Trust website [www.hltrust.co.uk](http://www.hltrust.co.uk).

### **National Pupil Database**

We have to provide information about you to the Department for Education (a government department) as part of data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](#), which is managed by the Department for Education and provides evidence on how schools are performing. This, in turn, supports research.

The database is held electronically so it can easily be turned into statistics. The information it holds is collected securely from schools, local authorities, exam boards and others.

The Department for Education may share information from the database with other organisations, such as organisations that promote children's education or wellbeing in England. These organisations must agree to strict terms and conditions about how they will use your data.

You can find more information about this on the Department for Education's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) if you have any questions about the database.

### **7.1 Transferring data internationally.**

We may share personal information about you with the following international third parties outside of the European Economic Area, where different data protection law applies:

- Other schools and educational establishments.
- Storage of school data on app or cloud server providers.

Where we transfer your personal data to a country or territory outside the European Economic Area, we will follow data protection law.

In cases where we have safeguarding arrangements in place, you can get a copy of these arrangements by contacting us.

## **8. Your rights**

### **8.1 How to access personal information that we hold about you.**

Under data protection legislation, you have the right to request access to information we hold about you. You have a right to make a 'subject access request' to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (unless there's a good reason why we shouldn't):

- Give you a description of it.
- Tell you why we are holding and using it, and how long we will keep it for.
- Explain where we got it from, if not from you.
- Tell you who it has been, or will be, shared with.
- Let you know whether any automated decision-making is being applied to the data (decisions made by a computer or machine, rather than by a person), and any consequences of this.
- Give you a copy of the information in an understandable form.

You may also have the right for your personal information to be shared with another organisation in certain circumstances.

If you would like to make a request, please contact us (see 'Contact us' below).

## 8.2 Your other rights regarding your data.

Under data protection law, you have certain rights regarding how your personal information is used and kept safe. For example, you have the right to:

- Say that you don't want your personal information to be used.
- Stop it being used to send you marketing materials.
- Say that you don't want it to be used for automated decisions (decisions made by a computer or machine, rather than by a person).
- In some cases, have it corrected if it's inaccurate.
- In some cases, have it deleted or destroyed, or restrict its use.
  
- In some cases, be notified of a data breach.
- Make a complaint to the Information Commissioner's Office.
- Claim compensation if the data protection rules are broken and this harms you in some way.

To exercise any of these rights, please contact us (see 'Contact us' below).

## 9. Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading, or inappropriate, or have any other concerns about our data processing, please let us know first.

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

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## 10. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **Data Protection Officer**:

- Ms Susan Collinge, Compliance Manager on 01706 292828 or via email at [dpo@hltrust.co.uk](mailto:dpo@hltrust.co.uk)
  
- In writing to the trust at:  
Hollingworth Learning Trust  
Suite 1, Floor 3  
Hafley Court  
Buckley Road  
Rochdale  
OL12 9DJ
  
- Our Local Authority: <http://www.rochdale.gov.uk/>