

HOLLINGWORTH LEARNING TRUST PUPIL PRIVACY POLICY

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Next Review:	Live Document: To be updated as and when new advice and guidance is received regarding Data Protection, GDPR and Freedom of Information.
Approved By:	To be reviewed by Trustees every 12 months



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VERSION INFORMATION

Version	Reason for Update	Author	Date	Approved By:
1	Original Policy	S Collinge S Pearson J Hawkrigg	Summer 2018	Headteacher
2	Update in line with further guidance re Data Protection, GDPR and FOI	S Collinge	Spring 2020	CEO
3	Review and Updated	S Collinge	Spring 2021	CEO
4.	Review and Updated	S Collinge	Spring 2022	CEO
5.	Review and Updated	S Collinge	Spring 2023	Trustees
6.	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

Under UK data protection law, individuals have a right to be informed about how Hollingworth Learning Trust ("the Trust") uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store, and use personal data about **pupils at our school**.

This privacy notice applies while we believe your child is not capable of understanding and exercising their own data protection rights.

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), you should instead refer to our privacy notice for pupils to see what rights they have over their own personal data.

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.

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

- Personal information, including contact details, contact preferences, date of birth, identification documents.
- Results of internal assessments and externally set tests.
- Pupil and curricular records.
- Exclusion and behavioural information.
- Attendance information.
- Safeguarding information.
- Details of any support received, including care packages, plans and support providers.
- Biometric Information.
- Information about their 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 your child that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

- Disclosed medical conditions we need to be aware of, including physical and mental health.
- Digital imagery and CCTV images captured in school.
- Characteristics, such as ethnic background, special educational needs, free school meal eligibility.

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 your child that we have received from other organisations, including other schools and social services.

3. Why we collect and use pupil information.

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

- a) Support pupil learning.
- b) Monitor and report on pupil progress.
- c) Provide appropriate pastoral care.
- d) Protect pupil welfare.
- e) Assess the quality of our services.
- f) Administer admissions waiting lists.
- g) Carry out research.
- h) Comply with the law regarding data sharing.
- i) To keep pupils safe (medical conditions, emergency contact information).
- j) We collect digital imagery for systems in school.
- k) We collect biometric information for systems in school.
- l) To 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 child's personal data in automated decision making and profiling.

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

3.2 Use of your child's personal data for filtering and monitoring purposes

While your child is in our school, we may monitor their 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.

Under the General Data Protection Regulation (GDPR), the lawful bases for processing your child's personal data for the purposes listed in section 3 above are as follows:

- For the purposes of **(a), (b), (c), (d), (e), (f), and (g)**, in accordance with the **'public task'** basis, collecting and processing the data is necessary for the school to fulfil our statutory functions.
- For the purpose of **(h) and (l)**, in accordance with the **'legal obligation'** basis, collecting and processing data is necessary for the school 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 **(j)** and **(k)**, in accordance with the **'consent'** basis, parents/carers will be asked for consent by the school during the admissions process to process your child's information.
- For the purpose of **(i)**, in accordance with the **'vital interests'** basis, we will process data to keep children safe (e.g. food allergies, or medical conditions).

Where you have provided us with consent to use your child's data, you may withdraw this consent at any time. We will make this clear when requesting your consent and explain how you will go about withdrawing it if you wish to do so.

4.1 Our basis for using special category data.

For 'special category' data, 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 child's personal data in a certain way.
- We need to perform or exercise an obligation or right in relation to employment, social security, or social protection law.
- We need to protect an individual's vital interests (i.e. protect your child's 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 manifestly public by you.
- We need to process it for the establishment, exercise, or defence of legal claims.
- We need to process it for reasons of substantial public interest as defined in legislation.
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law.
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law.
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing 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 child's 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 manifestly public by you.
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights.
- We need to process it for reasons of substantial public interest as defined in legislation.

5. Collecting this data.

While the majority of information we collect about your child is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about your child will come from you, via admission forms and data checking forms, but we may also hold data about your child from:

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

6. How we store this data

We hold personal information about your child securely while they are attending our school. We will also keep it beyond their 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 put in place appropriate security measures to prevent your child's personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

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

7. Who we share pupil information with.

We do not share information about your child 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 about your 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 our pupils reach the age of 13, we also pass pupil 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 the child's 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 of 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

- **National Pupil Database**

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](#) (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

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

For more information, see the Department's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) with any further questions about the NPD.

7.1 Transferring data internationally.

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

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

Where we transfer your child's personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

In cases where we have to set up safeguarding arrangements to complete this transfer, 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 your child.

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

If you make a subject access request, and if we do hold information about your child, we will (subject to any exemptions that apply):

- Give you a description of it.
- Tell you why we are holding and processing 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, and any consequences of this.
- Give you a copy of the information in an intelligible form.

You may also have the right for your child's personal information to be transmitted electronically to another organisation in certain circumstances.

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

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), we will need to obtain consent from your child for you to make a subject access request on their behalf.

8.2 Your right to access your child's educational record.

Pupils have a right to access their educational record. Under GDPR, this is a pupil's right, rather than the right of the parent/carer.

If a parent/carer or pupil wishes to access their, or their child's, educational records, they must complete a subject access request following the procedure found in the Trust's data protection policy. Parents/carer requests will be considered on an individual basis in discussion with their child. For more information, please contact the Trust Data Protection Officer.

8.3 Your other rights regarding your child's data.

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

- Object to our use of your child's personal data.
- Prevent your child's data being used to send direct marketing.
- Object to and challenge the use of your child's personal data for decisions being taken by automated means (by a computer or machine, rather than by a person).
- In certain circumstances, have inaccurate personal data corrected.
- In certain circumstances, have the personal data we hold about your child deleted or destroyed, or restrict its processing.
- In certain circumstances, be notified of a data breach.
- Make a complaint to the Information Commissioner's Office.
- Claim compensation for damages caused by a breach of the data protection regulations.

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

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case by case basis), we will need to obtain consent from your child for you to make these requests on their behalf.

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 concern about our data processing, please raise this with us in the first instance.

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
- 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/>