**Privacy Notice**

**Pupils, Pupils - Children in Need, Pupils - Children Looked After**

**The categories of this information that we collect, process, hold and share include:**

* Personal information (such as name, date of birth and address)
* Characteristics (such as gender, ethnicity, disability, language, nationality, country of birth and free school eligibility)
* Information relating to episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information)
* Episodes of being looked after (such as important dates, information on placements)
* Outcomes for looked after children (such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending)
* Adoptions (such as dates of key court orders and decisions)
* Care leavers (such as their activity and what type of accommodation they have)
* Attendance information (such as sessions attended, number of absences and absence reasons)
* Assessment information
* Medical information (conditions)
* Special Educational Needs and Disabilities
* Behaviour and Exclusions
* Post 16 Learning Information

**Why we collect and use this information**

We use the pupil data:

* to support pupil learning
* to monitor and report on pupil progress
* to provide them with appropriate pastoral care
* to assess the quality of our services
* to comply with the law regarding data sharing
* to safeguard pupils
* evaluate and improve our policies on children’s social care

**The lawful basis on which we use this information**

On the 25th May 20185 the Data Protection Act 1998 will be replaced by the General Data Protection Regulation (GDPR). The condition for processing under the GDPR will be:

Article 6

1. Processing shall be lawful only if and to the extent that at least one of the following applies:

 (c) Processing is necessary for compliance with a legal obligation to which the controller is subject;

Article 9

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation shall be prohibited.
2. Paragraph 1 shall not apply if one of the following applies:

 (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.

The Education (Information about Individual Pupils) (England) Regulations 2013 - Regulation 5 'Provision of information by non-maintained special schools and Academies to the Secretary of State' states 'Within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special school or an Academy (shall provide to the Secretary of State such of the information referred to in Schedule 1 and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.'

The Education Act 1996 - Section 537A – states that we provide individual pupil information as the relevant body such as the Department for Education.

Children's Act 1989 – Section 83 – places a duty on the Secretary of State or others to conduct research.

**Collecting this information**

Whilst the majority of pupil and children looked after information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the data protection legislation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

 **Storing this information**

We hold pupil and children in need and children looked after data for 25 years from the Date of Birth of the pupil.

**Who we share this information with**

We routinely share this information with:

* the Department for Education (DfE)
* schools that the pupils attend after leaving us
* our local authority
* NHS/school nurse

**Why we share this information**

**Department for Education (DfE) -** We share pupil, children in need and children looked after data with the Department for Education (DfE) on a statutory basis, under Section 83 of 1989 Children’s Act, Section 7 of the Young People’s Act 2008 and also under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

This data sharing underpins school funding and educational attainment policy and monitoring, helps to develop national policies, manage local authority performance and identify and encourage good practice.

We are required to pass information about our pupils to the Department of Education (DfE) under regulation 4 of the Education Information About Individual Pupils) (England) Regulations 2013.

We do not share information about our children in need or children looked after with anyone without consent unless the law and our policies allow us to do so.

**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:

Pupils : <https://www.gov.uk/education/data/-collection-and-census-for-schools>

Children looked after: <https://www.gov.uk/guidance/children-looked-after-return>

Children in need: <https://www.gov.uk/guidance/children-in-need-census>

**Youth support services**

**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 or guardian can request that **only** their child’s name, address and date of birth is passed to Lancashire County Council by informing us. This right is transferred to the child / pupil once he/she reaches the age 16.

**Pupils aged 16+**

We will also share certain information about pupils aged 16+ with Lancashire County Council 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

**The National Pupil Database (NPD)**

The NPD is owned and managed by the Department for Education and contains information about children in England. It provides invaluable information on the background and circumstances on a child’s journey and 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 children to the DfE as part of statutory data collections. Some of this information is then stored in the national pupil database (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 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, carers and children have the right to request access to information about them that we hold. To make a request for your personal information contact Karen Stevenson- Data Protection Officer.

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:

**Karen Stevenson Data Protection Officer.**