



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 2018 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>

The school shares class list information with providers in connection with the following public health screening programmes:

National Child Measurement Programme (NCMP)

The lawful basis for processing personal data is:

Art. 6 (1) (e) GDPR:

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

The personal data processed in respect of these two public health screening programmes includes personal data revealing ethnic origin which is classified as special category personal data under Art. 9 GDPR which merit special protection and consequently a further condition for processing is required.

The additional lawful basis for processing special category personal data (specifically ethnic origin) is:

Art 9 (2) (h) GDPR: 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.

Dental Screening Survey and Vision Screening Programme

The lawful basis for sharing personal data is:



Art. 6 (1) (f) GDPR:

Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party

The legitimate interest is to provide public health services and improve health and wellbeing outcomes for children and young people, which falls outside the task of schools as public authorities to provide education to children and young people.

Processing is *necessary* as only schools hold up to date class list/address data to facilitate:

- Any necessary follow-up arrangements, in response to identified need or to promote health and wellbeing, by a health professional. Contact is arranged with the child/ young person or with parents/ carers
- Any appointments being sent to the parent/guardian of a child who requires further assessment of their optical health needs – or to arrange follow-up as indicated by the initial screening tests.
- The LEA only receive snapshot census data 3 times per year. It is in the child's interests to be offered an appointment to treat any identified further health needs. Some conditions such as amblyopia (lazy eye) are much more difficult to treat if left undiagnosed after the age of 8 and can result in permanent vision loss. Optical and oral health are important aspects of a child's overall health status

School Nurse: Collection of Health Assessments/Questionnaires at Reception year, Year 6 and Year 9

The Lancashire Healthy Young People and Families Service (Virgin Care Services Ltd) are a provider of school nursing services in Lancashire. The school shares class list information for the purposes of the collection of health assessments (Reception, Year 6 and year 9) with school nursing services.

The school can share this information with school nursing services using

Article 6 (1) f GDPR:

Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party



The legitimate interest is to provide public health services and improve health and wellbeing outcomes for children and young people. Processing is necessary to facilitate:

School Nursing services offering support to address individual health needs. Virgin Care Services School Nurses and their employing organisation will have access to children's individual information, in order for them to identify and offer further support to children or young people who require their services. School Nurses adhere to national standards of confidentiality unless they have cause for concern around best interest/ safety issues. The School Nurses will keep a record of your health assessment/ questionnaire within the Child Health Record.

The information collected from questionnaires will also be used to form a summary report for your school. This is anonymised information that will support schools to understand the health needs of their pupils and allow them to target resources appropriately. The School Nurses may be providing advice to your school in response to these anonymised reports to help understand and respond to the health needs of your school.

The Local Authority being Lancashire County Council will also use this information at an anonymised level in order to understand and address the population health needs of children and young people in areas of Lancashire and make appropriate plans and actions.

If you need more information about how the Lancashire County Council or Virgin Care Services Ltd store and use your information, then please go to the following websites:

<http://www.lancashire.gov.uk/council/transparency/access-to-information/how-we-use-your-personalinformation-and-your-right-to-access-it.aspx>

<https://virginicare.co.uk/legal-information/information-governance/>



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.