

West Lancashire Community High School

Privacy Notice (How we use pupil information)



The categories of pupil information that we collect, hold and share include (but not exclusive to):

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information
- Medical conditions and medicines
- Special Educational Needs and Disability (EHCP and Statements)
- Behaviour and exclusions
- Transitions information (New starters and leavers)
- Communication with parents/carers/pupils
- Communication with external agencies
- Photographs/Video evidence
- Parental consent forms for off/on site activities
- CCTV

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 appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to safeguard and protect pupils
- to support transitions
- to support outreach provision
- to improve health and well-being outcomes

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 pupil information

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

Storing pupil data

We hold pupil data for 25 years from their date of birth.

There are some exceptions to this are:

- Safeguarding information
- Physical Interventions
- Legal hold that has been put in place prior to disposal

These files will be held indefinitely.

- Photographs/Video evidence

These will be deleted at the end of the academic year of the pupil's departure. An exception may be in relation to work that is subject to external accreditation/moderation where evidence is required.

Who we share pupil information with

We routinely share pupil information with:

- Schools/colleges that the pupil's attend after leaving us- *Public Interest*
- Local authority (LCC- includes Adult and Children's Social care))- *Public interest*
- Other Local authorities-(If deemed as the home authority for the pupil)- *Public interest*
- the Department for Education (DfE) – *Public Interest*
- NHS (Lancashire Care Foundation NHS Trust, East Lancashire Hospitals Trust, East Lancashire Hospitals Trust, Pennine Care Foundation Trust)- *Public interest/ Legitimate interest*- See <https://www.lancashire.gov.uk/council/transparency/access-to-information/service-and-project-specific-privacy-notice/public-health-schools>
- SALT/CAMHS- *Consent*
- Occupational Therapist (Matrix)- *Consent*
- Educational Psychologist (LCC)- *Consent*
- SEND Team/Transitions Team (LCC/ Other authorities- deemed as the home authority for the pupil)- *Public Interest*
- School Transport (LCC)- *Public Interest*
- EVOLVE (LCC)- *Public Interest*

- Education Business Partnership North West (Work placements)- *Public Interest*
- Work Experience Placements - *Public Interest*
- College /External provision links- - *Public Interest*
- Police (Legal duty requires disclosure)- *Legal Obligation*
- Assessment and Examination Boards (AQA, OCR, WJEC, BTEC, City and Guilds, Pearson, ASDAN)- *Public Interest*
- Emergency Services-(Ambulance, Fire, Police, Mountain Rescue) *Vital Interest*
- Catering Services (LCC)- *Legal Obligation*

Why we share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

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

In addition to the DfE data, we collect data from parents/carers for the safeguarding of pupils in our care and to meet their needs. This includes medical and health information-medical/health conditions and medication.

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 their local authority or provider of youth support services 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 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
- Adult social care and supported living

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

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The 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 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 and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, please write to:

Data Protection Officer- Pupils

West Lancashire Community High School, School Lane, Skelmersdale, WN8 8EH

dpo@westlancs.lancs.sch.uk

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, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

As a Lancashire County Council school, it may be of use for you to also be aware of the Lancashire Privacy Notice:

<http://www.lancashire.gov.uk/council/transparency/access-to-information/privacy-notice?page=1>

Contact

If you would like to discuss anything in this privacy notice, please in the first instance contact in writing:

West Lancashire Community High School, School Lane ,Skelmersdale WN8 8EH

dpo@westlancs.lancs.sch.uk