

# Urchfont C. E. Primary School

## Privacy Notice (How we use pupil information)

### 1. How we use pupil information

- 1.1. Urchfont Primary School is a Data Controller for the purposes of the **Data Protection Act 1998**. and the Local Authority is the Data Processor. The LA may advise and support the School in the quality assurance of children's records but any data amendments to the records will only be made by the School on the school management information system at source.
- 1.2. We process personal data relating to our pupils to deliver education in line with the requirements of the **Education Act 1996** and may receive information about them from their previous school or academy, the local authority, the Department for Education (DfE) and the Learning records Service.
- 1.3. We collect and hold this personal data to:
- Support pupils teaching and learning
  - Monitor and report on pupil attainment progress
  - Provide appropriate pastoral care
  - To keep children safe (such as food allergies, emergency contact details)
  - Assess the quality of our services
  - To comply with the law and statutory requirements with regard to data sharing
  - To meet the statutory duties placed upon us for DfE data collections
  - Promote the school (via newsletters and other forms of media with appropriate consent)
- 1.4. Under the General Data Protection Regulation (EU) 2016/679 (from May 25<sup>th</sup> 2018()), the lawful bases we rely on for processing pupil information are:
- For the purposes of complying with the law in accordance with the legal basis of Article 6(1)(c)
  - For the purposes of performing a task in the public interest and/or for the official functions of the school and the task or function has a clear basis in law in accordance with the legal basis of Article 6(1)(e)
- 1.5. In addition, concerning any special category data held:
- Processing is necessary for reasons of substantial public interest with the legal basis of Article 9(2)(g)
  - 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 in accordance with the legal basis of Article 9(2)(j)

1.6. Other relevant legislation and/or law includes:

- The Education (Information about Individual Pupils) (England) Regulations 2013 Regulation 3: "Provision of information by schools maintained by local authorities to their local authorities or to the Secretary of State:
  - (1) For the purposes of section 537A(2)(b) of the 1996 Act, the local authority by which a school is maintained is prescribed as a relevant person.
  - (2) Within fourteen days of receiving a request from the local authority by which a school is maintained, or from the Secretary of State, the governing body of that school shall provide to the authority or, where so requested, 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(1) – Provision of information about individual pupils:

*"Regulations may make provision requiring—*

*(a) the governing body of every school which is—*

*(i) maintained by a local education authority, or*

*(ii) a special school which is not maintained by such an authority,*

*and*

*(b) the proprietor of every independent school,*

*to provide to the relevant person such individual pupil information as may be prescribed. "*
- Children's Act 1989 – Section 83(1) – Research and returns of Information:

*"The Secretary of State may conduct, or assist other persons in conducting, research into any matter connected with—*

*(a) his functions, or the functions of local authorities, under the enactments mentioned in subsection (9);*

*[(aa)the functions of Local Safeguarding Children Boards;]*

*(b) the adoption of children"*

## 2. Categories of pupil information

- 2.1. We collect, hold and share<sup>1</sup> personal information, characteristics and attendance information primarily to allow us to support and safeguard our pupils.
- 2.2. We collect, hold and share<sup>1</sup> personal information under the **Data Protection Act 1998, Data Protection Bill 2017, General Data Protection Regulations May**

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<sup>1</sup> With consent or when required by legislation and/or law

## **2018 and The Education Act 1996**

- 2.3. The categories of pupil information that we collect, hold and might share<sup>1</sup> include:
- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
  - characteristics (such as ethnicity, language, nationality, country of birth, pupil premium and free school meal eligibility)
  - parental arrangements (adoption / fostering / special guardianship orders / child arrangements order / service child status)
  - safeguarding information (such as court orders, LAC status and professional involvement)
  - Special Educational Needs and Disabilities (including the needs and ranking)
  - medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
  - attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)<sup>2</sup>
  - assessment and attainment (formative and summative, statutory and non-statutory)
  - Pastoral care including behavioural information (such as exclusions and any relevant alternative provision put in place)
  - Destination schools
  - Photographs and Video clips
  - Trips and Activities
  - Lunch registers
- 2.4. This list is not exhaustive, to access the current list of categories of information we process please see <https://ico.org.uk/ESDWebPages/Entry/Z7325320>

### **3. How we collect pupil information**

- 3.1. Generally, we receive personal data from the individual directly (including, in the case of pupils, from the parents). This may be via a form (such as admission forms on entry to the school) or simply in the ordinary course of interaction or communication (such as email or written assessments).
- 3.2. However, in some cases personal data will be supplied by third parties (for example a Common Transfer File (CTF) or secure file transfer from previous school settings).
- 3.3. Pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this.

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<sup>2</sup> Details of attendance information is not collected as part of the Department for Education's census for pupils who are not of compulsory school age, but 'head count' is used for the Early Years Foundation Years Census. We will use attendance as a register for all pupils for safeguarding purposes (including to establish who is on school premises) and to identify total pupil numbers.

#### **4. How we store pupil data**

- 4.1. We retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. We follow the guidelines issued by the Records management Society of Great Britain.
- 4.2. If you have any specific queries about how our retention policy is applied please contact the Finance and Admin officer.

#### **5. Who we share pupil information with**

- 5.1. We routinely share pupil information with:
  - schools that the pupils attend after leaving us
  - our local authority
  - the Department for Education (DfE)
  - The NHS
  - The School Nurse
  - Agencies involved in supporting our children such as Speech and Language Therapists, Educational Psychologists, SENS
  - Social Services, MASH and other agencies involved in safeguarding
  - Service providers (such as ParentPay, 2Simple, peripatetic teachers and coaches working within the school)
  - Appropriate regulatory bodies such as Ofsted

#### **6. Why we share pupil information**

- 6.1. We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.
- 6.2. 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.
- 6.3. For the most part, personal data collected by us will remain within the school, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of medical records and safeguarding files.
- 6.4. However, a certain amount of SEN pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.
- 6.5. Staff, pupils and parents are reminded that the school is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record and report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as LADO or police. For further information about this, please refer to the school's Safeguarding Policy.
- 6.6. As per **The Education (Pupil Information) (England) Regulations 2005**, we are required to pass pupil information on to schools / academies that the pupil goes on to attend after leaving us via the Department for Education's 'School to School' (S2S) secure data transfer website. This also acts as a temporary information depositary where a pupil has left us and the destination is not known to us.
- 6.7. Importantly, some of the school's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the school's specific directions.

6.8. Finally, your data will not be transferred outside of the European Economic Area.

## **7. CCTV**

- 7.1. Urchfont Primary School uses Closed Circuit Television cameras for the following purposes:
- protecting the school buildings and school assets, both during and after school hours;
  - promoting the health and safety of staff, pupils and visitors;
  - preventing bullying;
  - reducing the incidence of crime and anti-social behaviour (including theft, vandalism and fraud);
  - supporting the Police in a bid to deter and detect crime;
  - assisting in identifying, apprehending and prosecuting offenders; and
  - ensuring that the school rules are respected so that the school can be properly managed.
- 7.2. For further information regarding the use, storage and retention of information obtained through use of the school's CCTV system please refer to the school's CCTV policy.

## **8. Department for Education**

- 8.1. 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:
- Section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.
- 8.2. Data Collection requirements:
- 8.2.1. To find out more about the data collection requirements placed on us by the Department of Education (for example: school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.
- 8.3. 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.
- 8.4. For more information, please see 'How Government uses your data' section.

## **9. The National Pupil Database**

- 9.1. 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.
- 9.2. 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.

- 9.3. To find out more about the pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.
- 9.4. To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.
- 9.5. 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
- 9.6. 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
- 9.7. 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.
- 9.8. 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>
- 9.9. 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>
- 9.10. To contact DfE: <https://www.gov.uk/contact-dfe>

## **10.Requesting access to your personal data**

- 10.1. 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, contact the school office on 01380 840793.
- 10.2. You also have the right to:
  - Be informed about how we use your personal data
  - Request access to the personal data that we hold
  - Request that your personal data is erased where there is no compelling reason for its continued processing
  - Request that the processing of your data is restricted
  - 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;
- where we rely on consent as a means to process personal data such as certain types of uses of images withdraw this consent at any time; and
- a right to seek redress, either through the ICO, or through the courts

10.3. Any requests or objections should be made to the school in writing.

10.4. If you have a concern or complaint 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/>

## **11. Contact**

11.1. If you would like to discuss anything in this privacy notice, please contact: Carol Talbot  
01380 840793

## **12. Date of Next Review**

12.1. This policy will be reviewed in January 2020:

Agreed by the Governing Body:

Date.....

Signed..... (Chair of Governors)

