



*'Enriching Learning, Enriching Life'*

John 10:10 '...I have come that they may have life, and have it to the full.'

# **Privacy Notice May 18**

## **Parents and Carers**

# I. Privacy notice for Parents/Carers

Under data protection law, individuals have a right to be informed about how the academy 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**.

We, Dawley C of E Primary Academy are the 'data controller' for the purposes of data protection law.

Our data protection officer, Mansell Davies, is based at our head office, St Chad's Academies Trust; (see 'Contact us' below).

## **The personal data we hold**

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

- Contact details, contact preferences, date of birth, identification documents
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Assessment information relating to academic progress, pupil attainment and educational performance in general
- Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs
- Exclusion information and behavioral information
- Details of any medical conditions, including physical and mental health
- Attendance information
- Safeguarding information
- Medical information
- Details of any support received, including care packages, plans and support providers
- Photographs
- CCTV images captured in school
- Special Educational Needs or Disabilities information
- Information from Early Years providers or Post 16 providers
- Parent/Carer information (such as name, address, contact details)

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

## **Why we use this data**

We use this data to:

- Support pupil learning
- Monitor and report on pupil progress
- Provide appropriate pastoral care
- Protect pupil welfare and to work with agencies supporting pupil safeguarding
- Assess the quality of our services
- Administer admissions waiting lists
- Carry out research
- Comply with the law regarding data sharing
- to provide support for pupils with special learning needs or disabilities
- to comply with all statutory data returns to the DfE and their partner organisations
- to qualify the child is eligible of funding and to calculate funding
- to provide data to the local authority as required statute or by current contracts, service level agreements or data sharing agreements with the local authority
- to inform next educational providers and/or employers of relevant pupil performance and contextual information

## **Our legal basis for using this data**

We only collect and use pupils' personal data when the law allows us to. We use information about children and young people to enable us to carry out specific functions for which we are responsible. We also use this personal data to derive statistics which inform decisions we make regarding the running of the academy, the curriculum, safeguarding and to assess pupil outcomes. Most commonly, we process it where:

- We need to comply with a legal obligation
- We need it to perform an official task in the public interest

Less commonly, we may also process pupils' personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

The lawful basis is as follows;

#### **Article 6:**

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- 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;
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

#### **Article 9**

- processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent

#### **Collecting this information**

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

We collect and use pupil information under responsibilities set out within:-

- Education Act 2002 Section 33
- Education Act 1996
- Children and Families Act 2014 (SEND Reforms)
- Childcare Act 2006
- The Early Years and Foundation Stage Order 2007
- The Education and Skills Act 2008
- The Apprenticeship, Skills, Children and Learning Act 2009
- Equality Act 2010
- Children Act 1989
- Adoption and Children Act 2002
- Children and Young Persons Acts 1963 (Regs 1968)
- Education (Governors Annual Reports – England) (Amendment) Regulations 2002 SI 2002 No 1171
- School Standards and Framework Act 1998 and Academies Act 2010
- Schools Admissions Code Statutory Guidance for admission authorities, governing bodies, local authorities, school adjudicators and admission appeals panels December 2014
- Schools Admission Appeals Code February 2012 Statutory guidance for school leaders, governing bodies and local authorities.
- School attendance: Department advice for maintained schools, academies, independent schools and local authorities November 2016
- DBS Update Service Guide June 2014
- Keeping Children Safe In Education – Statutory Guidance Sept 2016
- 'Working Together to Safeguard Children' - A guide to interagency working to safeguard children – March 2015

- An employer's right to work checks (Home Office May 2015)
- Limitation Act 1980 (section 2)
- Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social security administration Act 1992 Section 8. Limitation Act 1980
- COSHH Regulations 2002. SI 2002 No 2677 Regulation 11; Records kept under the 1994 and 1999 Regulations to be kept as if the 2002 Regulations had not been made. Regulation 18
- Control of asbestos at work regulations 2012 SI 1012 No632 Regulation 19
- The Education (Pupil Information) (England) Regulations 2005 SI 2005 No 1437
- Education Act 1996. Special Educational Needs and Disability Act 2001 Section 1.
- Outdoor Education Advisers Panel National Guidance Section 3 – Legal Framework and Employer Systems and Section 4 – Good Practice

The submission of the school census returns, including a set of named pupil records, is a statutory requirement on schools under Section 537A of the Education Act 1996. This means that schools do not need to obtain parental or pupil consent to the provision of information and ensures schools are protected from any legal challenge that they are breaching a duty of confidence to pupils.

Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

### **How we store this data**

We keep personal information about pupils while they are attending our academy. We may also keep it beyond their attendance at our academy if this is necessary in order to comply with our legal obligations. We hold children and young person's data for various periods of duration as determined in our retention policy.

A copy of the retention policy is available on request from the Academy office at Dawley C of E Primary Academy.

### **Data sharing**

We do not share information about pupils 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 pupils with:

- The local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions
- The Department for Education (DfE)
- The pupil's family and representatives
- Educators and examining bodies
- Our regulator e.g. Ofsted, ESFA.
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Financial organisations
- Central and local government
- Our auditors internal and external
- Survey and research organisations e.g. office of national statistics
- Health authorities
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Professional bodies
- Schools that the pupil's attend after leaving us
- Providers of alternative educational provision
- School nurse
- Local health trust and their commissioned health services

### **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 under the Education (Information About Individual Pupils) (England) Regulations 2013.

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 other organisations which promote children's education or wellbeing in England. Such organisations 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.

### **Parents and pupils' rights regarding personal data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. Individuals have a right to make a '**subject access request**' to gain access to personal information that the academy holds about them.

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and if we do hold information about you or your child, we will:

- 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 or your child
- 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

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request and access your child's educational records contact our data protection officer via the Academy Office.

### **Other rights**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use and processing of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our data protection officer.

### **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.

To make a complaint, please contact our data protection officer, Mansell Davies.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113

- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### **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** Mansell Davies at:

- St Chad's Academies Trust, St Mary's House, The Close, Lichfield WS13 7LD (01543 622433)

*This notice is based on the [Department for Education's model privacy notice](#) for pupils, amended for parents and to reflect the way we use data in this school.*