**Policy/Author: Privacy Notice Pupil /Parent/Carer**

**R Cannon, Business/HR Manager**

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**Headteacher**

**Ratified by Trust on**:



**Chair of Trustees**

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| **Current version** | **Previous version** | **Summary of changes made** |
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**Privacy Notice for Pupils / Parents / Carers**

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing ‘privacy 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, Smithills School, Dean Road, Bolton, BL1 6JS are the ‘data controller’ for the purposes of data protection law.

Our school’s Data Protection Officer is Mrs Gill Smith (see ‘contact us’ below). The school’s Data Protection Lead is Mrs Rachel Cannon.

**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
* Assessment information including results of internal assessments and externally set tests
* Pupil and curricular records including unique pupil number
* Characteristics, such as ethnic background, nationality, country of birth, eligibility for free school meals, or special educational needs and disability
* Details of any medical conditions, including physical and mental health
* Attendance information (eg. sessions attended, number of absences and absence reasons)
* Safeguarding information
* Behaviour and Exclusion information
* Details of any support received, including care packages, plans and support providers
* Photographs
* CCTV images captured in the school grounds

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

From time to time and in certain circumstances, we might also process personal data about pupils, some of which might be sensitive personal data, including information about criminal proceedings/convictions, information about sex life and sexual orientation, child protection/safeguarding. This information is not routinely collected about pupils and is only likely to be processed by the school in specific circumstances relating to particular pupils, for example, if a child protection issue arises or if a pupil is involved in a criminal matter. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and/or the Police. Such information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

We collect information about pupils when they join the school and update it during their time on the roll as and when new information is acquired.

As the school has a cashless catering system, we also process biometric data about pupils if we have received explicit consent from parents. Please see our Data Protection Policy for more details about how we process biometric data.

**Where do we get your personal data from?**

We obtain your personal data directly from you, by way of information gathering exercises at appropriate times such as when your child joins the school and on our annual data collection form. We may also obtain information about you from other sources. This might include information from the local authority or other professionals or bodies, including a Court, which may raise concerns in relation to your child.

**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 safeguarding
* Assess the quality of our services
* Administer admissions waiting lists
* Comply with the law regarding data sharing
* Promote the academy/school

**Our legal basis for using this data**

We only collect and use pupils’ personal data when the law allows us to. 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.

**Collecting this 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 (GDPR), we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this. Where appropriate, we will ask parents/pupils for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to use photos or images of pupils on our website or on social media to promote school activities, or if we want to ask your permission to use your information for marketing purposes. Parents/pupils may withdraw consent at any time.

When pupils are deemed to be old enough to make their own decisions in relation to their personal data, we will also ask the pupil for their consent in these circumstances. This will usually be around the age of 13. Although parental consent is unlikely to be needed, we wish to take a collaborative approach so we will keep parents informed when we are approaching pupils for consent up to the age of 13. Pupils with the maturity to make their own decisions about their personal data may withdraw consent if consent has previously been given.

**How we store this data**

We keep personal information about pupils while they are attending our School. We may also keep it beyond their attendance at our School if this is necessary in order to comply with our legal obligations. We hold pupil data until the pupil reaches the age of 25 years old. If a pupil moves to another school their personal data will be transferred to that establishment.

Our Data protection policy sets out how long we keep information about pupils. This policy is available on request from the School Office.

**Data sharing**

We do not share information about our pupils with anyone 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:

* Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions
* The Department for Education
* Schools, colleges or universities that the pupil may attend after leaving us
* School councillors and social workers
* Youth Support services
* Careers Advisors
* The pupil’s family and representatives
* OfSTED
* Suppliers and service providers – to enable them to provide the service we have contracted them for
* Survey and research organisations
* Health authorities/school nurse
* Police forces, courts, tribunals
* Professional bodies
* Legal advisers
* Insurance providers
* IT providers

Aged 14+ qualifications

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil’s unique learner number (ULN) and may also give us details about the pupil’s learning or qualifications.

**National Pupil Database**

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 DfE and / or ESFA 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 the DfE under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the data collection requirements placed on us by the DfE (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Some of this information is then stored in the [National Pupil Database](https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information) (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.

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>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The DfE 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 DfE 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 DfE’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 DfE 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>

**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.

**Transferring data internationally**

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

**Parents and pupils’ rights regarding personal data**

**How to access personal information we hold about you**

Individuals have a right to make a **‘Subject Access Request’** to gain access to personal information that the school holds about them.

If you make a Subject Access Request, and if we do hold information about you, 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
* 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

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact our Data Protection Officer or Data Protection Lead (contact details below). You are entitled to submit Subject Access Requests all year round, but please bear in mind that it may be necessary for us to extend the response period from one calendar month when requests are submitted over the summer holidays. This is in accordance with article 12(3) of the GDPR, and will be the case where the request is complex – for example, where we need multiple staff to collect the data.

**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 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

**Legal Basis**

The lawful bases for processing are set out in Article 6 of the GDPR. At least one of these must apply whenever you process personal data:

1. Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
2. Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
3. Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
4. Vital interests: the processing is necessary to protect someone’s life.
5. Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
6. Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual’s personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

**Special Category Data**

GDPR identifies that some information is particularly sensitive and therefore needs extra protection:

* Racial or ethnic origin
* Political opinions
* Religious or philosophical beliefs
* Trade union membership
* Health
* Sexual life or orientation
* Genetic data (e.g. blood samples DNA)
* Biometric data to identify an individual (e.g. finger-prints, iris recognition)
* Financial information

**Special Category Conditions**

Article 9 of sets out the special category conditions. If you are processing special category data you need to meet a special category condition in addition to the legal basis identified above:

* The data subject has given explicit consent
* Necessary to protect the vital interests where the data subject is physically or legally incapable of giving consent
* The data has been made publicly available by the data subject
* Processing is carried out by a foundation or not-for-profit body in the course of its legitimate activities
* Necessary to process legal claims
* Necessary for archiving statistical or historical research which is in the public interest
* Necessary for reasons of substantial public interest on the basis of UK law which shall be proportionate to the aim pursued

**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, we request that you raise your concern with us in the first instance. Alternatively, you can contact 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.

**Contact details**

**Data Protection Officer School Data Protection Lead**

Mrs Gill Smith Mrs Rachel Cannon

gill@mindography.co.uk r.cannon@smithillsschool.net