

2018/2019
Privacy Notice (how we use pupil information)
for
Pupils in schools

The categories of pupil information that we collect, hold and share include:

1) Mandatory data

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal / pupil premium / early years pupil premium eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment Information (such as Key Stage results)
- Medical conditions
- Special Educational Needs and Disability
- Behaviour and exclusions
- Education/school history
- Siblings information

2) Other Data

- Photographic information

Why we collect and use this information

We use the pupil data:

1) Mandatory data collection

- to provide free early education and childcare
- 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 students

2) Other Data

- to promote the activities undertaken at the school
- to monitor payment for student meals

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).

It should be noted that with respect to information collected about pupils, the age at which pupils have responsibility for their own data is 13. Individuals with parental responsibility will be regarded as being responsible for the data of children below this age. This will have an impact on how we handle data for children in this age range and that any consent processes in particular will be directed at those with parental responsibility.

The condition for processing under the GDPR will be:

With respect to the data for **mandatory data collection** above

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.

With respect to the data for other data collection above.

Photographic information

Article 6

- a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes.

Biometric information (used for identification of pupils for payment of pupil meals)

Article 6

- b) the data subject has given consent to the processing of his or her personal data for one or more specific purposes.

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:

- (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

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 in line with the detail held in our data retention schedule

Who we share pupil information with

We share pupil information with:

- Learning providers that the pupils attend after leaving us
- our local authority
- the Department for Education (DfE)
- other Partner agencies to improve pupil outcomes e.g. Educational Psychologist, School Nurse etc.
- the Wesley Trust
- the Wesley Trust group of schools

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 our local authority (LA) and the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring. For further information go to <http://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx>

We are required to share information about our pupils with the Department for Education (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013, sections 7 and 7A of the Childcare Act 2006 and section 2 of the Childcare Act 2016. This information will, in turn, then be made available for use by the local authority (LA).

We share some data with other schools in the Shelley pyramid of schools in order to promote the education of children and maximise their life chances as part of our official authority and in the pursuance of educational objectives for children at these schools.

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>.

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, contact dataprotection@themast.co.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/>

With regard to information collected with the consent

Contact

If you would like to discuss anything in this privacy notice, please contact:

- Data Protection Officer
Scissett Middle School
Wakefield Road
Scissett
HD8 9JX

Email: dataprotection@themast.co.uk

Or

- Ministerial and Public Communications Division
Department for Education Telephone: 0370 000 2288
Piccadilly Gate
Manchester
M1 2WD
Website: <https://www.gov.uk/government/organisations/department-for-education>

Email: <http://www.education.gov.uk/help/contactus>

