# Privacy Notice

## Information about Pupils in Schools, Alternative Provision, Pupil Referral Units and Children in Early Years Settings

## The EU General Data Protection Regulation (GDPR)

The Data Protection Act 2018 (DPA) is the UK's implementation of the General Data Protection Regulation (GDPR) and both came into force on 25th May 2018.

The DPA 2018 sets out the framework for data protection law in the UK. It updates and replaces the Data Protection Act 1998.

The DPA sits alongside the GDPR, and tailors how the GDPR applies in the UK.

Everyone responsible for using personal data has to follow the 'data protection principles'.

They must make sure the information is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

## Data Controller

Bersted Green Primary School complies with the GDPR and is registered as a 'Data Controller' with the Information Commissioner's Office (Reg. No. Z6532114).

The Data Protection Officer (DPO) for the school is the School Business Manager.

We ensure that your personal data is processed fairly and lawfully, is accurate, is kept secure and is retained for no longer than is necessary.

## The Legal Basis for Processing Personal Data

The main reason that the school processes personal data is because it is necessary in order to comply with the schools legal obligations and to enable it to perform tasks carried out in the public interest,

The school may also process personal data if at least one of the following applies:

- in order to protect the vital interests of an individual
- there is explicit consent.
- to comply with the school's legal obligations in the field of employment and social security and social protection law
- for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
- for reasons of public interest in the area of public health
- for reasons of substantial public interest, based on law, which is proportionate in the circumstances and which has provides measures to

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safeguard the fundamental rights and the interests of the data subject;

For data collection purposes (Departmental Censuses) are the Education Act 1996 – this information can be found in the census guide documents on the following website https://www.gov.uk/education/data-collection-and-censuses-for-schools]

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

- Personal identifiers and contacts (such as name, unique pupil number and address and contact details, carers details)
- Characteristics (such as ethnicity, language, nationality, country of birth, religion and free school meal eligibility)
- Safeguarding information (such as court orders and professional involvement)
- Medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- Attendance information (such as sessions attended, number of absences and absence reasons, behavioural information, details of any exclusion information, alternative provision put in place)
- national curriculum assessment and attainment (such as key stage 1 and phonics results, and any relevant results, examination results on website.
- where pupils go after they leave us
- any special educational needs or disabilities as well as relevant medical information.

**Why we collect and use pupil information**

The personal data collected is essential, for the school to fulfil their official functions and meet legal requirements.

We collect and hold personal information relating to our pupils and those involved in their care, we may also receive information from previous schools, the local authority(s) and/or the Department for Education (DfE).

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 whether you are required to provide certain pupil information to us or if you have a choice in this.

We use this personal data to:

- support our pupils' learning
- support our pupils' welfare
- monitor and report on pupil attainment progress
- provide appropriate pastoral care;
- to keep children safe (food allergies, or emergency contact details)
- assess the quality of our services;
- process any complaints;
- protecting vulnerable individuals;
- to meet the statutory duties placed upon us by the Department for Education
- the prevention and detection of crime

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**Who we share data with**

We may pass data to:

- local authorities
- Schools that a pupil attends after leaving this school
- The Department for Education (DfE)
- NHS
- third-party organisations, as allowed by law
- agencies that provide services on our behalf
- agencies with whom we have a duty to co-operate
- youth support services
- School Nurse
- Providers of educational software, for the support and improvement of educational standards
- Parental communication tools
- Catering provider, for provision of meals
- Police, social services and other appropriate professional groups

**For further information about who we share with and why please see APPENDIX A.**

**Retention Periods**

Personal data will not be retained by the school for longer than necessary in relation to the purposes for which they were collected.

Information will be held in accordance with the Information and Records Management Society Tool Kit for Schools.

https://irms.site-ym.com/page/SchoolsToolkit

**Photographs**

The School may take photographs, videos or webcam recordings of pupils or students for official use, monitoring and for educational purposes. You will be made aware that this is happening and the context in which the photograph will be used.

Photographs may also be taken of those attending a ceremony which may appear in the newspaper. You will be made aware that this is happening and the context in which the photograph will be used.

**CCTV**.

The school operates CCTV on the school site as it is considered necessary to protect pupils' safety and/or the school's property

**Rights**

You have the right to:

1. be informed of data processing (which is covered by this Privacy Notice)

2. access information (also known as a Subject Access Request)

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3. have inaccuracies corrected
4. have information erased
5. restrict processing
6. data portability (this is unlikely to be relevant to schools)
7. intervention in respect of automated decision making (automated decision making is rarely operated within schools)
8. Withdraw consent (see below)
9. Complain to the Information Commissioner's Office (See below)

To exercise any of these rights please contact the DPO

**Withdrawal of Consent**

The lawful basis upon which the school process personal data is that it is necessary in order to comply with the schools legal obligations and to enable it to perform tasks carried out in the public interest.

Where the school process personal date solely on the basis that you have consented to the processing, you will have the right to withdraw that consent.

**Complaints to ICO**

If you are unhappy with the way your request has been handled, you may wish to ask for a review of our decision by contacting the DPO.

If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted our internal review procedure. The Information Commissioner can be contacted at:

The Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF.

## APPENDIX A

**Who we share data with and why**

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

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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.

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.

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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

NHS/Clinical Commissioning Groups (CCGs)

We are required, by law, to pass certain information about our pupils to CCGs.

CCGs use information about pupils for research and statistical purposes, to develop, monitor and evaluate the performance of local health services. These statistics will not identify individual pupils. It is necessary for certain health information about children (for example, such as their height and weight) to be retained for a certain period of time (designated by the Department of Health) and requires these CCGs to maintain children's names and addresses for this purpose. CCGs may also provide individual schools and Local Authorities (LAs) with aggregated health information which will not identify individual children.

Local Authority - education and training

We are required, by law, to pass certain information about our pupils to local authorities.

The LA holds information about young people living in its area, including about their education and training history. This is to support the provision of their education up to the age of 20 (and beyond this age for those with a special education need or disability). Education institutions and other public bodies (including the Department for Education (DfE), police, probation and health services) may pass information to the LA to help them to do this.

The LA shares some of the information it collects with the Department for Education (DfE) to enable them to; produce statistics, assess performance, determine the destinations of young people after they have left school or college and to evaluate Government funded programmes.

The LA may also share information with post-16 education and training providers to secure appropriate support for them. They may also share data with education establishments which shows what their pupils go on to do after the age of 16.

If you want to see a copy of information about you that the LA holds, please contact the Data Protection Officer: FOI@westsussex.gov.uk

Local Authority – social services

In order to comply with our statutory safeguarding duties we are required, by law, to

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pass certain information about our pupils to local authorities.  Information will only be shared where it is fair and lawful to do so.

If you want to see a copy of information about you that the LA holds, please contact the Data Protection Officer: FOI@westsussex.gov.uk

Police, Fire and Rescue Service, Ambulance Service and other emergency or enforcement agencies

In order to comply with our duty of care to pupils, our statutory safeguarding duties and our obligations in respect of the prevention and detection of crime, we may also share personal data with other statutory and partnership agencies.

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