

# Privacy Notice (How we use pupil/student information)

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

- Personal information (such as name, unique pupil/student number, contact details and address)
- Characteristics (such as ethnicity, language, and free school meal eligibility)
- Safeguarding information (such as court orders and professional involvement)
- Special educational needs (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)
- Assessment and attainment (such as key stage 1 and phonics results, post 16 courses enrolled for and any relevant results)
- Behavioural information (such as exclusions and any relevant alternative provision put in place)

Elements of this data is called 'special category personal data' and we take extra care to make sure it is kept safe.

## Where do we get this information from?

We will obtain an amount of your personal data from:

- You;
- Your parents/carers
- Teachers and other staff;
- People from other organisations, like doctors or the local authority, for example.

In addition, information is passed to us as part of the transfer of information from your previous school or education setting. This includes information relevant to providing appropriate education and/or safeguarding for you when you start school. This information is normally transferred in hard and/or soft copies in the term prior to you starting at the school.

## Why we collect and use this information

We collect and use pupil/student/student information, for the following purposes:

- to support pupil/student learning
- to monitor and report on pupil/student attainment progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to keep children safe (food allergies, or emergency contact details)

- to ensure everyone is treated equally
- to comply with the law regarding sharing personal data
- to meet the statutory duties placed upon us by the Department for Education

## **The lawful basis on which we use this information**

We collect and use pupil/student information under Article 6 and Article 9 of the Data Protection Act (2018). This enables the Trust to process information under the Education Act 1996 and the Education Act 2005.

The UK general data protection regulation (UK GDPR) took effect on 25<sup>th</sup> May 2018 including Article 6 'lawfulness of processing' and Article 9 'processing of special categories of personal data'.

The use of your information for these purposes is lawful for the following reasons:

- We are under a legal obligation to collect the information or the information is necessary for us to meet legal requirements imposed upon us such as our duty to safeguard pupils/students (Article 6 c).
- Where processing is necessary to protect the safety of you or another person (Article 6(d));
- It is necessary for us to hold and use your information for the purposes of our functions in providing schooling and so we can look after our students. This is a function which is in the public interest because everybody needs to have an education. This means we have real and proper reasons to use your information (Article 6e).
- We will not usually need your permission to use your information. However, if at any time it appears to us that we would like to use your personal data in a way which means that we would need your permission then we will explain to you what we want to do and ask you for permission. This is most likely to be because we are involved in activities which are not really the core purpose of our job as a school but we are involved because we think it would benefit you. If you give your permission, you may change your mind at any time. If we think that you will not understand what we are asking then we will ask your parent or carer instead. Usually, we will involve your parents even if you can make your own decision (Article 6 a).

## **Why do we use special category personal data?**

We may need to use the information about you which is special where there is a specific reason to do so, for example health and social care purposes (Article 9 h) or to provide you with equal opportunities and treatment (Article 9 g). We will also use this information where you have given us permission to do so (Article 9 a). There may also be circumstances where we need to use your information in relation to legal claims (Article 9 f), or to protect your vital interests and where you are unable to provide your consent (Article 9)

## Collecting pupil/student information

Whilst the majority of pupil/student information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the UK GDPR, we will inform you whether you are required to provide certain pupil/student information to us or if you have a choice in this

When we collect personal information on our forms, we will make it clear whether there is a legal requirement for you / your parents to provide it, whether there is a legal requirement on the school / academy trust to collect it. If there is no legal requirement then we will explain why we are asking for it, how we plan to use it and we will tell you what you need to do if you do not want to share this information with us.

## Storing pupil/student data

We only keep your information for as long as we need to or for as long as the law requires us to. Most of the information we have about you will be in your student file. We usually keep these until your 25th birthday unless you move to another school in which case we send your file to your new school. We have a policy which explains how long we keep information. It is called a Data Retention Policy and you can find it on our website or ask for a copy at the school office. When we no longer need to retain information, we will destroy or delete it in a secure manner.

We routinely share pupil/student information with:

- Schools/Academies that the pupil/student's attend after leaving us
- Our Local Authority (LA)
- The Department for Education (DfE)
- School Health
- Social Services
- NCA tools (for KS2 SATs)
- MASH
- Other educational support services such as SALT

## Why we share pupil/student information

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

We share pupil/student 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/students with the (DfE) under regulation 5 of The Education (Information About Individual Pupil) (England) Regulations 2013.

## Department for Education

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>.

## Local Authorities

We may be required to share information about our pupil/students with the local authority to ensure that they can conduct their statutory duties under the [Schools Admission Code](#), including conducting Fair Access Panels.

## Requesting access to your personal data

Under data protection legislation, parents and pupils/students 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, please contact the data protection lead at Tupton Primary & Nursery Academy.

Please be aware, if your child is aged 12 or above, they may be asked to give their own permission before your request for access to their record can be processed.

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
- a right to seek redress, either through the ICO, or through the courts; and

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/>

## Last updated

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated September 2021.

## Contact

If you would like to discuss anything in this privacy notice, please contact: the data protection lead at Tupton Primary & Nursery Academy.

## The National Pupil/Student Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupil/students 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 pupil/students 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 Pupil/students) (England) Regulations 2013.

To find out more about the NPD, go to

<https://www.gov.uk/government/publications/national-pupil/student-database-user-guide-and-supporting-information>.

The department may share information about our pupil/students 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/student 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/student information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil/student-database-requests-received>