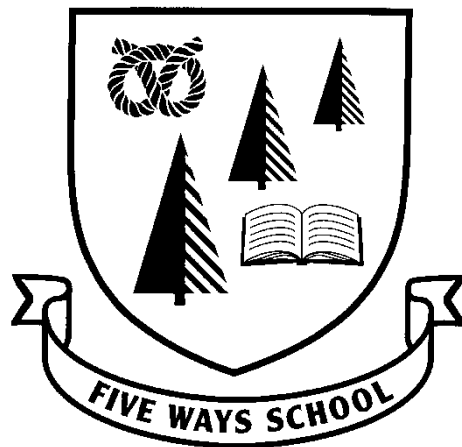


# Five Ways Primary School



## Privacy Notice / GDPR

September 2021

# Privacy Notice (How we use pupil information)

## The categories of pupil information that we process include:

- personal identifiers and contacts - such as name, unique pupil number, contact details, date of birth 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 Early Years Foundation Stage Profile, Key Stage 1 assessments and phonics results, KS2 SATs and assessments
- behavioural information - such as exclusions and any relevant alternative provision put in place
- images of pupils engaged in school activities
- images collected by the school's CCTV system - for the purposes of health & safety, prevention of disorder or crime and for the protection of health and wellbeing

## Why we collect and use pupil information

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

- a) to support pupil learning
- b) to support any educational, health or social needs
- c) to monitor and report on pupil attainment progress
- d) to provide appropriate pastoral care
- e) to assess the quality of our services
- f) to keep children safe (food allergies, or emergency contact details)
- g) to meet the statutory duties placed upon us for DfE data collections
- h) to make sure everyone is treated fairly and equally
- i) to deal with emergencies
- j) to celebrate achievements

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing pupil information are:

Legal obligation ("LO")

Where the school is required to use your information in order to comply with a legal obligation, for example to report a concern to Children's Services. We may also have to disclose your information to third parties such as the courts, the local authority or the police where legally obliged to do so.

Necessary for contract ("CT")

We will need to use your information in order to perform our obligations under any contract we have with you, for example, if you buy tickets for an event.

Vital interests ("VI")

In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else (e.g. if you or they are seriously hurt).

Performance of a task carried out in the public interest ("PI")

The following are examples of when we use your information to perform tasks in the public interest:

- providing your child with an education;
- safeguarding and promoting your welfare, your child's welfare and the welfare of other children;
- facilitating the efficient operation of the school; and
- ensuring that we comply with all of our legal obligations.

Legitimate interests ("LI")

This means that the school is using your information when this is necessary for the school's legitimate interests except when your interests and fundamental rights override our legitimate interests.

We have a legitimate interest in using your information to:

- i. promote the school including fundraising and publicity;
- ii. preserve historical school records.

Below are examples of the different ways in which we use personal information and the legal basis for doing so:

- For the purposes of pupil assessment and to confirm the identity of prospective pupils and their parents LO, PI;
- To provide education services, including meeting special educational needs (SEN), providing musical education, physical education training, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs LO, PI;
- Maintaining relationships with the community, including direct marketing or fundraising activity LI;
  
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity analysis) LO, PI;
- To enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate LO, PI;
- To give and receive information and references about past, current and prospective pupils LO, PI,
- To enable pupils to take part in national or other assessments LO, PI, and
- To publish test results or other achievements of pupils LO, PI;

- To safeguard pupils' welfare and provide appropriate pastoral care LO, PI;
- To monitor, as appropriate, use of the school's IT and communications systems in accordance with the school's IT acceptable use policy LO, PI;
- To make use of photographic images of pupils in school newsletters, school website and in newspapers LO, PI;
- For security purposes, including CCTV in accordance with the school's CCTV policy CT, LO, PI;
- To carry out or cooperate with any external complaints, disciplinary or investigation process LO, PI; and
- Where otherwise reasonably necessary for the school purposes, including to obtain appropriate professional advice LO, PI.

In addition, the school will, on occasion, need to process special category personal data (concerning health, ethnicity or religion) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will include:

- To safeguard pupils' welfare and provide appropriate pastoral and medical care;
- To take appropriate action in the event of an emergency, incident or accident, including the disclosure of an individual's medical condition or other relevant information where it is in the individual's interests to do so: for example, for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs;
- To provide educational services in the context of any special educational needs of a pupil;
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

## **How we collect pupil information**

We collect pupil information via data sheets completed by parents, Common Transfer Files (CTF) from previous schools, teachers and other staff within school, and people from other organisations such as doctors or the local authority.

Pupil data is essential for the schools' operational use. 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 at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this.

## **How we store pupil data**

We hold pupil data securely for the set amount of time shown in our data retention schedule.

## Who we share pupil information with

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- the Department for Education (DfE)
- the school nursing team/NHS
- professional advisers, e.g. lawyers, insurers, auditors;
- government authorities, e.g. Department for Education, police or the local authority;
- the Health and Safety Executive if there is a health and safety issue at the school;
- appropriate regulatory bodies, e.g. the Charity Commission or the Information Commissioner.

## Why we regularly 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.

For the most part, personal data collected by the school will remain within the school, and will be processed by appropriate individuals only in accordance with access protocols on a 'need to know' basis. Particularly strict rules of access apply in the context of medical records and pastoral or safeguarding files.

However, a certain amount of any SEN pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

Staff, pupils and parents are reminded that the school is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes and, in some cases, referrals to relevant authorities such as the Local Authority Designated Officer (LADO), First Response or the police. For further information about this, please view the school's Safeguarding Policy.

## Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by DfE under a combination of software and hardware controls, which meet the current [government security policy framework](#).

For more information, please see 'How Government uses your data' section.

## 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 the Headteacher through the school office.

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
- a right to seek redress, either through the Information Commissioner's Office, or through the courts

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

## Contact

**If you would like to discuss anything in this privacy notice, please contact our Data Protection Officer Mr Matt Sharman. He can be contacted via [DPO.schools@staffordshire.gov.uk](mailto:DPO.schools@staffordshire.gov.uk)**

## How Government uses your data

The pupil data that we lawfully share with the DfE through data collections:

- underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- informs 'short term' education policy monitoring and school accountability and intervention (for example, school KS2 SATs results or Pupil Progress measures).
- supports 'longer term' research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

## 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)

Much of the data about pupils in England goes on to be held in 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.

To find out more about the NPD, go to

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

## Sharing by the Department

The law allows the Department to share pupils' personal data with certain third parties, including:

- schools
- local authorities
- researchers
- organisations connected with promoting the education or wellbeing of children in England
- other government departments and agencies
- organisations fighting or identifying crime

For more information about the Department's NPD data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website:

<https://www.gov.uk/government/publications/dfe-external-data-shares>

To contact DfE: <https://www.gov.uk/contact-dfe>

Date adopted: September 2021

Review date: September 2022