

2019/2020
Privacy Notice
(how we use pupil information)
for Pupils in Schools, Alternative Provision
and Pupil Referral Units

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

- personal identifiers and contacts (such as name, unique pupil 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)
- education / school history
- siblings' information

Why we collect and use pupil information

We collect and use pupil information for the following purposes:

- to support pupil learning
- to provide free early education and childcare
- to monitor and report on pupil attainment progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to keep children safe (e.g. food allergies, or emergency contact details)
- to meet the statutory duties placed upon us for the Department of Education (DfE) data collections
- to safeguard students

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

- for the purposes of completing statutory pupil level data returns to the DfE and for the population of a central pupil database held by Kirklees Council in accordance with the legal basis of:

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.

In addition, concerning any special category data:

Article 9

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, 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 to 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.

Collecting pupil information

Pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it **is** 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.

We collect pupil information via registration forms at the start of the school year or Common Transfer File (CTF) or secure file transfer from previous school

Storing pupil data

We hold pupil data securely for the set amount of time shown in our data retention schedule. We hold pupil data for the time of in which pupils are in our setting and for up to 5 years thereafter.

Who we share pupil information with

We routinely share pupil information with:

- Schools and learning providers that the pupils attend after leaving us
- our Local Authority (LA)
- the Department for Education (DfE)
- school nurses (NHS)

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 and the Department for Education 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/privacy>.

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, sections 7 and 7A of the Childcare Act 2006 and section 2 of the Childcare Act 2016.

Data collection requirements

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>.

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information that we hold about them. To make a request for your personal information, or be given access to your child's educational record, contact Savile Town CE I & N School or our VDPO Matt Keel.

You also have the right:

- to ask us for access to information that we hold about you
- to have your personal data rectified if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you
- 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/>.

For further information on how to request access to personal information held centrally by the DfE, please see 'How Government uses your data' section of this notice.

Contact

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

Savile Town Infant & Nursery School

Or

- Kirklees Council, Information Governance Team

Telephone: 01484 221000

Email: information.governance@kirklees.gov.uk

- Ministerial and Public Communications Division - Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Telephone: 0370 000 2288

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

Website: <https://www.gov.uk/government/organisations/department-for-education>

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 number of children and their characteristics in each school
- informs 'short term' education policy monitoring and school accountability and intervention (for example, school GCSE 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)

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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 and 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 the DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, the 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 to (and for which project), or to access a monthly breakdown of data share volumes with the Home Office and the Police, please visit the following website:

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

How to find out what personal information the DfE hold about you

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department:

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department, you can make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter published via:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

To contact the DfE, please follow the link:

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