



Excellence & Opportunity

# **PARENT / PUPIL PRIVACY NOTICE (GDPR REGULATIONS)**

**Date Policy Reviewed: June 2018**

**Date Policy Ratified by Governors: September 2018**

**Date Policy due for Renewal: June 2019**

## **GENERAL DATA PROTECTION REGULATIONS (PARENT/CARER OR LEGAL GUARDIAN) AND PUPIL PRIVACY NOTICE**

This notice is to help you understand how and why we collect personal information about you and what we do with that information. It also explains the decisions that you can make about your own information. We comply with data protection legislation by providing 'privacy notices'. If you have any questions about this notice please contact Mrs Carole Moran, Data Protection Officer at Wyvern Academy. This privacy notice complies with the EU General Data Protection Regulations (GDPR) which will apply from May 2018.

### **The personal information we hold**

- Personal information that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:
- Contact details and contact preferences, date of birth, identification documents
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs
- Exclusion information
- Details of any medical conditions, including physical and mental health
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs
- CCTV images captured in school

We might get some of this information from other agencies and organisations, including other schools, the Local Authority and the Department for Education.

### **How and why does the school collect and use personal information?**

- Here are some examples of the different ways in which we use personal information and where this personal information comes from. The School's primary reason for using your personal information is to provide educational services to your child.
- To support pupils learning and monitor their progress we record and track their achievements and set learning targets. This is reported to you and discussed at parents evenings.
- Get in touch with parents (or Carers/Legal Guardians) when we need to.
- We obtain information from admissions forms and from your child's previous school. We may also get information from professionals such as doctors and from local authorities.
- We record attendance to help trace students and keep them safe.
- We may have information about any family circumstances which might affect your child's welfare. This helps us to provide the right pastoral care for your child.
- We may need information about any court orders or criminal petitions which relate to you. This is so that we can safeguard the welfare and wellbeing of your child and the other pupils at the School.
- We use CCTV to make sure the school site is safe.
- We take photographs of our students for identification purposes. We may also take photographs or videos at School events to use on social media and on the School website.
- We may send you information to keep you up to date with what is happening at the School. For example, by sending you information about events and activities taking place such as Parents' Evenings.
- We are also required by education legislation to collect this information and report to the DfE and comply with the law regarding data sharing.

### **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 GDPR, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

### **Who we share pupil information with and why**

We do not share information about pupils with any third party without consent unless the law and our policies allow us to do so. Examples of this include:

- Schools that the pupil attend after leaving us.
- We are required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.
- We are legally obliged to share information with local authorities, for example, where we have any safeguarding concerns or exclusions.
- On occasion, we may need to share information with the police.
- We may share student information with suppliers and service providers to enable them to provide the service we have contracted them for. For example, software used to record behaviour or safeguarding concerns
- We may share some information with our insurance company, for example, where there is a serious incident at the School.
- We may need to share information if there is an emergency, for example, if you are hurt whilst on School premises
- Our Academy Trust to enable them to track and support student progress.
- We are required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

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

We collect and use pupil information under the lawful bases for processing contained in Article 6 of the EU General Data Protection Regulation (GDPR). These are:

#### **Consent (GDPR Article 6.1a)**

Consent has been provided for a specific purpose. This can be withdrawn at any time.

#### **Necessary for a contract (GDPR Article 6.1b)**

We will need to use your information in order to perform our obligations. For example, student names will be provided to our catering supplier so they can provide services.

#### **Legal obligation (GDPR Article 6.1c)**

Where the School needs 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.

#### **Vital interests (GDPR Article 6.1d)**

For example, to assist with urgent medical treatment.

#### **Public interest (GDPR Article 6.1e)**

The School is acting in the public interest when providing education. This will be the main legal basis for collecting personal data.

#### **Legitimate interests (GDPR Article 6.1f)**

This means that the processing is necessary for legitimate interests except where the processing is unfair to you. Specifically, the School has a legitimate interest in:

- Providing a range of educational services to your child;
- Safeguarding and promoting the welfare of your child (and other children);
- Facilitating the efficient operation of the School; and
- Ensuring that all relevant legal obligations of the School are complied with.

### **Special categories of data**

The School must also comply with an additional condition when it must process special categories of personal information. These special categories (as listed in Article 9 of the GDPR) are as follows: racial or ethnic origin, political opinions, religion, trade union membership, genetic information, biometric information, health information, and information about sex life or sexual orientation. An example of an additional condition used by the school and the basis under which we process this information is:

### **Explicit Consent (GDPR Article 9.1a)**

Consent is given to use the biometric identification option for our catering systems.

If we ask for your consent to use personal information you can take back this consent at any time. Any use of your information before you withdraw your consent remains valid. Please contact the school if you would like to withdraw any consent given.

### **For how long do we keep your information?**

We keep your information for as long as we need to in order to educate and look after your child. We will keep some information after your child has left the School, for example, so that we can find out what happened if you make a complaint. Our Data Retention Policy is available on request.

In exceptional circumstances we may keep your information for a longer time than usual but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

### **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>.

### **Youth support services**

#### **Pupils aged 13+**

Once our pupils reach the age of 13, we also pass pupil information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide youth support services and (unless provided directly by the school) careers advice.

A parent or guardian can request that only their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the pupil once they reach the age 16.

#### **Pupils aged 16+**

We will also share certain information about pupils aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to continue to provide youth support and careers advice services as well as post 16 education and training provider support.

For more information about services for young people, please visit the local authority website.

### **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. The DfE may share this information with other agencies.

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>

### **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 – this is called a subject access request, or be given access to your child's educational record, contact details can be found at the end of this notice. You can make a request for your child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent. You can also request access to any information we might hold about you.

If you make a subject access request and we do hold information about you or your child we will:

- Give you a description of it in an appropriate format.
- Tell you why we are holding and processing it, and how long we will keep it for.
- Explain where we got it from, if not from you or your child.
- Tell you who we need to share it with.
- Let you know whether any automated decision making is being applied to the data, and any consequences of this.

### **Other rights**

Under Data Protection law, you also have certain rights regarding how your personal data is used and kept safe, including the right to:

- object to the use 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.

### **Complaints**

We take any complaints about our collection and use of personal information very seriously. If you have any concerns please raise them with us in the first instance. You can also find a copy of our complaints policy at [www.consilium-at.com](http://www.consilium-at.com).

Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

OR telephone: 0303 123 1113

OR write to: ICO Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

### **School Contact**

If you would like to discuss anything in this privacy notice, please contact Carole Moran, Wyvern Academy Data Protection Officer (DPO). Email [moran@wyvernacademy.org](mailto:moran@wyvernacademy.org)

### **Trust Contact**

Email: [ConsiliumAcademies@consilium-at.com](mailto:ConsiliumAcademies@consilium-at.com)