



## GDPR Privacy Notice – Parents / Carers (pupils):

*Created: June 2018*

*Updated: April 2019, Reviewed Sept 2020*

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **pupils**.

We, Burnley Brow Community School, are the 'data controller' for the purposes of data protection law.

Our data protection officer in school is Natasha Morgan, Deputy Headteacher. We also have support from a nominated data protection officer at Oldham Council, Barbara Mulvihill.

### The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about pupils includes but is not restricted to:

- **Personal identifiers and contacts** such as name, contact details & address of pupils and parents/carers, contact preferences, date of birth, identification documents, unique pupil number
- **Characteristics** such as ethnicity, language, and free school meal eligibility
- **Special educational needs** including the needs and ranking
- **Safeguarding information** such as cause for concern documents, safeguarding records, court orders, professional involvement and care packages / plans
- **Medical and administration** such as medical conditions (including physical and mental health), doctors information, dental health, allergies, medication, dietary requirements, first aid records, health care plans, risk assessments, PEEPS
- **Attendance** such as sessions attended, number of absences, absence reasons, any previous schools attended, extended holiday information, late records and reasons for lateness.
- **Assessment and attainment** including results of internal assessments and externally set tests, curriculum records and foundation stage assessments
- **Behavioural information** such as behaviour logs, incident files, exclusions and any relevant alternative provision put in place
- **Trips & Clubs** – consent/permissions, attendance
- **Photographs**
- **CCTV footage**

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

## **Why we collect and use this data**

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

- To support pupil learning
- To monitor and report on pupil attainment progress
- To provide appropriate pastoral care
- To protect pupil welfare - for health & safety and security purposes
- To assess the quality of our services
- To administer admissions waiting list (nursery)
- For health & safety and security purposes
- To meet the statutory duties placed upon us for DfE data collections (legal requirements)

## **Our lawful basis for using this data**

We only collect and use pupil's personal data when the law allows us to. Most commonly, we process it where:

- We need to comply with a legal obligation
- We need it to perform an official task in the public interest

Less commonly, we may also process pupil's personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use pupil's personal data, this consent can be withdrawn at any time. We will make this clear when requesting consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupil's personal data overlap, and there may be several grounds which justify our use of this data.

## **Collecting this information**

While the majority of information we collect about pupils is mandatory, there is some information that can be provided voluntarily.

We collect pupil information via registration forms, data collection forms, consent/permission forms, CTF files from previous schools and internal monitoring & assessment.

Whenever we seek to collect information from you or your child, we will make it clear whether providing it is mandatory or optional. If it is mandatory we can explain the possible consequences of not complying if necessary.

## **How we store this data**

We keep personal information about pupils while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations.

Data is stored in our electronic information management system (SIMS) and separate records are kept of assessments, SEN, Child Protection, consents & permissions, allergy/asthma lists, first aid, incidents and absences. All manual and electronic records are stored securely with restricted access where required.

We retain and dispose of data in accordance with the Information and Records Management Society's toolkit for

schools. A copy of this can be found on our school website.

## **Data sharing**

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

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about pupils with:

- ***Our local authority (including bought-in services if required)***
- ***Schools pupils attend after leaving us***
- ***The Department for Education***
- ***External safeguarding agencies (if appropriate)***
- ***Suppliers and service providers (if appropriate)***

## **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 Appendix 1 'How Government uses your data'.

## **Requesting access to your personal data**

Under data protection legislation, parents/carers have the right to request access to information about the data we hold about their child or themselves, this is called a 'subject access request'.

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

- Give you a description of it
- 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 it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

Parents/carers also have the legal right to access their child's educational record.

To make a subject access request or to access your child's educational record, please contact our School Business Manager.

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
- 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 ask 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/>

For further information on how to request access to personal information held centrally by DfE, please see Appendix 1 'How Government uses your data'.

#### **Further information**

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

**School Data Protection Officer (Natasha Morgan – Deputy Headteacher) or School Business Manager**

## Appendix 1

### 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 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)

### 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 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 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>.

### How to find out what personal information 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 should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

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

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