



# Privacy Notice for Pupils including CINLAC

Approved by	Chief Operating Officer	Date Approved	31/03/21
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# Enlighten Learning Trust

## Privacy Notice for Pupils

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

1. The categories of pupil information that we collect, hold and share include:
  - Personal information (such as name, unique pupil number, address and relationship to other pupils at the school)
  - Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
  - Attendance information (such as sessions attended, number of absences and absence reasons)
  - Behavioural information (such as positive or negative behaviour, exclusions, detentions)
  - Relevant medical information
  - Assessment and attainment information
  - Post-16 learning information
  - Special educational needs information
  - Biometric Data (we use an automated biometric fingerprint recognition system which is used to purchase items from the school canteen, in our library to loan books and may be required for printing documents. The system takes measurements of the fingerprint; it does not capture a complete image so the original fingerprint cannot be recreated from the data)

### Why we collect and use this information

2. We use the pupil data:
  - to support pupil learning
  - to monitor and report on pupil progress
  - to provide appropriate pastoral care
  - to assess the quality of our services
  - to comply with the law regarding data sharing
  - to keep children safe (food allergies/emergency and non-emergency contact details)

Additionally, the categories of personal information that we process for children in need and looked after children are as follows;

- episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information)
- episodes of being looked after (such as important dates, information on placements)
- outcomes for looked after children (such as whether health and dental assessments are up to date, strengths and difficulties questionnaires scores and offending)
- adoptions (dates of key court orders and decisions)
- care leavers (such as their activity and what type of accommodation they have)

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

#### 3. Our processing is subject to the Data Protection Act 2018.

##### Article 6

1. Processing shall be lawful only if and to the extent that at least one of the following applies:

Processing is necessary for compliance with a legal obligation to which the controller is subject;

##### Article 9

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

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.

4. The Education Act 1996 - Section 537A – states that we provide individual pupil information as the relevant body such as the Department for Education.
5. Children's Act 1989 – Section 83 – places a duty on the Secretary of State or others to conduct research.

### **Collecting pupil information**

6. 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 UK Data Protection Act 2018, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this. We collect data via;
  - CTF (common transfer files) files from previous schools
  - New student forms

- Free School Meals forms

Children in need and children looked after information is essential for the local authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us, or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

### **Storing pupil data**

7. We hold pupil data for as long as we need to in order to educate and look after you. We will keep some information after you have left the School, for example, so that we can find out what happened if you make a complaint.
8. 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 the law.
9. We can keep information about you for a very long time or even indefinitely if we need this for historical, research or statistical purposes. Please see our Information and Records Retention Policy for more detailed information.

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

10. We routinely share pupil information with:
  - schools that pupils attend after leaving us
  - our local authority
  - the Department for Education (DfE)
  - Careers advisors
  - Medical practitioners and NHS staff
  - Agencies involved in caring for and supporting pupils
  - Parents and carers
  - Exam boards
  - Our catering companies
  - External suppliers (e.g. travel companies or those providing off-site activities)
  - Curriculum support providers (e.g. Show My Homework and My Maths)

### **Why we share pupil information**

11. We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.
12. We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

13. 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.

We are also required to share information about our children in need and children looked after with the DfE for the purpose of those data collections under;

**Example for Children in Need (CIN) and Children Looked After (SSDA903)**

We share children in need and children looked after data with the Department on a statutory basis, under Section 83 of 1989 Children’s Act, Section 7 of the Young People’s Act 2008 and also 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.

**Data collection requirements:**

14. 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>.

**Raising Participation Age**

15. Once our pupils reach the age of 13, we also pass pupil information to our local authority as they have responsibilities in relation to the education or training of 13-19 year olds and those between 20 and 25 with special educational needs and disabilities (SEND) under section 507B of the Education Act 1996.

16. This enables them to provide support that will encourage, enable or assist young people to participation in education or training under Section 68 of the Education and Skills Act 2008. This includes services such as:

- Post-16 education and training
- Youth support services
- Careers information, advice and guidance

17. 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 child / pupil once he/she reaches the age 13.

18. We will seek appropriate consent to share certain information about pupils aged 16+ with our local authority who have a responsibility under section 10 and section 12 of the Education and Skills Act 2008 to actively promote participation in education and training as well as identify young people not participating in order that they can be supported to reengage.

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

### **The National Pupil Database (NPD)**

20. 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.
21. 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.
22. To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.
23. The department may share information about our pupils 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
24. 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
25. To be granted access to pupil 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.
26. 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>
27. For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>
28. To contact DfE: <https://www.gov.uk/contact-dfe>

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

29. 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 our Data Manager on [datamanager@esherhigh.surrey.sch.uk](mailto:datamanager@esherhigh.surrey.sch.uk)

Depending on the lawful basis above, you may 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
- seek redress either through the Information Commissioners Office or through courts.

30. 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/>

### Contact

31. If you would like to discuss anything in this privacy notice, please contact our Data Protection Officer (DPO):

Satswana Ltd , email: [info@satswana.com](mailto:info@satswana.com) ; telephone number: 01252 516898; address: Pembroke House, St Christopher's Place, Farnborough, Hampshire, GU14 0NH.

### Review

32. The standard DfE Privacy Notice text was adopted in May 2018 and updated in October 2019 with appropriate alterations made to reflect Enlighten Learning Trust practice. The member of staff responsible will review this document every 12 months.