

Data Privacy Notice (how we use pupil information)

On the 25th May 2018 the Data Protection Act 1998 replaces by the General Data Protection Regulation (GDPR).

St Mary's School and College ("St Mary's", the trading name of The Talking Trust) is a data controller for the purposes of the GDPR.

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.

Our Data Protection Controller is Jamie Eastes

St Mary's has the legal right to collect and use personal data relating to pupils and their families, and may also receive information regarding them from their previous school, Local Authority ("LA") and/or the Department for Education ("DfE").

Categories of pupil data that we collect, hold and share include:

- Personal information (such as name, unique pupil number and contact details)
- 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)
- Special educational needs ("SEN") information, including specialist reports from relevant professionals
- Relevant medical information
- Individual Assessment Data

- Exclusion / Behaviour Information
- The school they attend after leaving us

Why we collect and use this information

As an institution offering education, care, therapy, nursing and wellbeing, St Mary's needs to hold personal information on pupils to provide appropriate provision for the pupils. We collect and hold personal information relating to our pupils and may also receive information about them from their previous school, local authority and/or the Department for Education (DfE). We do this:

- To support pupil learning and development
- To monitor and report on pupil progress
- To provide appropriate pastoral care
- To protect pupil welfare and to safeguard pupils
- To administer admissions lists
- To assess school performance
- To comply with the legal requirements and legitimate interests set out in the Global Data Protection Regulations 2018 ("GDPR") and UK law.

Storing pupil information

St Mary's will keep information about pupils on computer systems and also sometimes on paper.

We hold pupil records securely and retain them from date of birth until the age of 25, after which they are safely destroyed.

We hold records securely until the pupil changes school. Records are then transferred to the new school.

Our lawful basis for holding and using this data

The condition for processing under the GDPR will be:

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;

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:

(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 as the relevant body such as the DfE.

Children's Act 1989 – Section 83 – places a duty on the Secretary of State or others to conduct research.

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

Who do we share pupil information with?

For the purposes of managing a school, providing for pupils and fulfilling our legal obligations, we routinely share pupil information with:

- Staff
- Parents and carers
- Schools or colleges that the pupils attend after leaving us
- our local authority (East Sussex) and their commissioned providers of local authority services
- the DfE
- Relevant external experts including medical experts, therapists, educational psychologists, wellbeing and mental health professionals, relevant and recognised organisations (such as CAMHS).

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

We will not transfer personal data to a country or territory outside the European Economic Area unless absolutely necessary and if we have to do so, we will do so in accordance with data protection law.

Additionally, some information may be shared on a need-to-know basis with external professionals such as the Regulation 20 visitor, School Improvement Partner, Contractors, school partners and networks, consultants and legal professionals.

Data collection requirements:

We share pupils' data with the DfE on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

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>

Aged 14+ qualifications

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupil's learning or qualifications.

What is different about 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.

We must provide both the pupil and parents name(s) and address, and any further information relevant to the support services' role; this will include telephone contact details.

This enables the local authority to provide services as follows:

- youth support services
- careers advice and guidance

A parent / 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 he/she reaches the age 16 if they are considered to have appropriate mental capacity.

Our 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.

The LA has a legal responsibility to track all young people up to the age of 19 and young adults with learning difficulties or disabilities up to the age of 25. The purpose of collecting this information is to assist the planning of education and training for young people and the support services they require. The LA will inform us of your current activity once you have left the school. This is in relation to education, training, employment with training you may be undertaking and whether you are NEET (not in Education, Employment or Training). Some of this information is then shared with the DfE, who use the information to plan at a national level.

This enables them to provide services as follows:

- post-16 education and training provision
- youth support services
- careers advice and guidance

The National Pupil Database (NPD)

The NPD is owned and managed by the DfE 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.

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>.

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

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

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.

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>

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->

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to make a Subject Access Request (“SAR”) 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, please contact the Head-teacher in writing.

Other rights

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a serious breach of the data protection regulations

To exercise any of these rights, please contact our Data Protection Controller, Jamie Eastes at DPC@stmarysbexhill.org

If you have a concern 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>