

## Privacy Notice (children in need and looked after children)

St Bartholomew's C of E Primary School is the Data Controller for the purposes of the Data Protection Act 1998 and General Data Protection Regulations (UK GDPR). Guided by these acts, we offer protection for individuals, but share data when it is required by law or is beneficial to the individual.

### Why do we collect and use pupil information?

We collect pupil information and process it lawfully following the requirements below from Articles 6 and 9 of the GDPR:

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes
- processing is necessary for compliance with a legal obligation to which the controller is subject

An example of our legal obligation is the departmental censuses for the Education Act 1996.

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>

We use pupil data to:

- Support pupil learning
- Monitor and report on pupil progress
- Provide appropriate pastoral care
- Assess the quality of our services
- To keep children safe
- Evaluate and improve our policies on children's social care
- Comply with the law regarding data sharing

### The pupil information that we collect, hold and share includes:

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Safeguarding information (such as court orders and professional involvement)
- 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 questionnaire scores and offending)
- Adoptions (such as dates of key court orders and decisions)
- Care leavers
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information
- Relevant medical information
- Special educational needs information
- Exclusions/behavioural information
- Free school meal management

### Collecting pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided on a voluntary basis. In order to comply with the General Data Protection Regulation, we inform you whether you are required to provide certain pupil information to us or if you have a choice in this. For software provided by external agencies we process the information as a legitimate interest.

### Storing pupil data

We hold pupil data for the set amount of time shown in our data retention schedule. After this time, information is disposed of securely.

### Who do we share pupil information with?

We routinely share pupil information with:

- Educational establishments that pupils attend after leaving us
- The local authority
- The Department for Education (DfE)

- Software providers\*
- The NHS, Social Services (where appropriate) and other external agencies\*

\* To see which organisations we share information with, please go to the UK GDPR folder on our website

For more information regarding how the Government uses school data, please go to <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>

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

### **Qualifications**

The Learning Records Service give us a pupil's unique learner number (ULN) and may also give us details about the pupils' learning or qualifications

### **Sharing pupil information**

- We do not share information about pupils with anyone without consent unless the law and our policies allow us to do so.
- 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.

### **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 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 children in need and looked after children with the DfE for the purpose of those data collections, under 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.

### **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 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 academies, 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. 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 pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

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-student-database-requests-received>

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

### **Television Equipment (CCTV)**

We utilise CCTV on our premises to assist in managing security and the safety of pupils, staff and visitors alike. Images are routinely destroyed after a short period of time. If serious misconduct or a dangerous activity is observed, we may use such images. Images are only released upon a formal request from the Police or a Subject Access Request, if the request is compliant with data protection regulations.

We believe our use of CCTV equipment is a proportionate means of safeguarding our premises and pupils. We adhere to the Information Commissioner's guidance on the use of CCTV equipment in our operation of this policy.

<https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>

### **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, or be given access to your child's educational record, contact The Data Protection Officer ([DPO@st-bartholomews.leics.sch.uk](mailto:DPO@st-bartholomews.leics.sch.uk)). For further information, please see the Handling Subject Access Requests and the Subject Access Request procedure.

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 (for example, an automated credit check)
- 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, 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/>

### **Last updated**

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on 4<sup>th</sup> January 2021.

### **How the Government uses the 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

- supports (longer term) research and monitoring of educational policy

To find out more about the data collection requirements placed on us by the Department for Education, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

### **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

These organisations 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, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police

For more information, please visit <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data> and <https://www.gov.uk/government/publications/dfе-external-data-shares>

### **Contact:**

If you would like to discuss anything in this privacy notice, please contact the Data Protection Officer on [DPO@st-bartholomews.leics.sch.uk](mailto:DPO@st-bartholomews.leics.sch.uk).