



# Nythe Primary School

## Privacy Notice (How we use pupil information)



The categories of pupil information that we collect, hold and share include:

- Personal information (such as name, unique pupil number, date of birth, siblings and address)
- 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)
- Relevant medical information
- Additional or special education needs information
- Exclusions and behavioural information
- Assessment information
- Contact details for parents and carers
- Post 16 destinations and learning information
- Safeguarding and Child Protection reports and disclosures
- Photographs, video clips and recordings of online lessons and meetings.
- CCTV images

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

We collect and use pupil information under the Education Act 1996 and the EU General Protection Regulation (GDPR) which took effect from May 25 2018, including Article 6 'lawfulness of processing' and Article 9 'processing of special categories of personal data'

We use the pupil data:

- a) to support pupil learning
- b) to monitor and report on pupil attainment progress
- c) to provide appropriate pastoral care
- d) to assess the quality of our services
- e) to keep children safe (food allergies, or emergency contact details)
- f) to comply with the law regarding data sharing
- g) to meet the statutory duties placed upon us by the Department of Education

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing pupil information are:

- For the purposes of (a), (b), (c) & (d) in accordance with the legal basis of Public task: collecting the data is necessary to perform tasks that schools are required to perform as part of their statutory function
- For the purposes of (e) in accordance with the legal basis of Vital Interests: to keep children safe (food allergies, or medical conditions)
- For the purposes of (f) in accordance with the legal basis of Legal obligation: data collected for DfE census information
  - Section 537A of the Education Act 1996
  - The Education Act 1996 s29(3)
  - The Education (School Performance Information) (England) Regulations 2007
  - Regulations 5 and 8 School Information (England) Regulations 2008
  - The Education (Pupil Registration) (England) (Amendment) Regulations 2013

In addition, concerning any special category data:

- Conditions a, b, c and d of GDPR – Article 9

## Collecting pupil information

Whilst most of the 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 General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

Where we share pupil data such as school photographs on the school website, on social media or in the local press, you have a choice in this, and we request your consent for this to be shared. Consent can be withdrawn at any time by contacting the headteacher and asking for pupil photographs not to be shared where public have access.

## Storing pupil data

We hold pupil data in line with the recommendations of the Information and Records Management Society <http://irms.org.uk/page/SchoolsToolkit>

In practice this means we hold pupil data until the pupil moves to another school.

## Who do we share pupil information with?

We routinely share pupil information with:

- Schools that the pupils attend after leaving us
- local authorities
- the Department for Education (DfE)
- Excalibur Academies Trust
- School nurse and NHS

## Why we share pupil information

We do not share information about our 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.

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.

## 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>.

## Department for Education

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.

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 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-pupil-database-requests-received>

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

### **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 Mrs Laken, our GDPR lead, via email at [admin@nythe.excalibur.org.uk](mailto:admin@nythe.excalibur.org.uk).

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; 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/>

**Withdrawal of consent and the right to lodge a complaint** Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting Mrs Laken via email at [admin@nythe.excalibur.org.uk](mailto:admin@nythe.excalibur.org.uk)

### **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 in **September 2020**

**Contact:**

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

- Chris Laken, GDPR Lead for Nythe Primary School [admin@nythe.excalibur.org.uk](mailto:admin@nythe.excalibur.org.uk), or Karen Davis, Excalibur Academies Trust Data Protection Officer [karen.davis@excalibur.org.uk](mailto:karen.davis@excalibur.org.uk)