

# **Sandbrook Community Primary School**

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

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' to individuals where we are processing their personal data.

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

We, Sandbrook Community Primary school are the 'data controller' for the purposes of data protection law.

Our data protection officer is the assigned Local Authority Officer under our Service Level Agreement.

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

- Personal information (such as name, unique pupil number, contact details and address)
- Contact details, contact preferences, date of birth, identification documents
- Parental information
- characteristics (such as ethnicity, language, and free school meal eligibility)
- safeguarding information
- special educational needs
- medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- assessment and attainment
- behavioural information (such as exclusions and any relevant alternative provision put in place)
- Photographs
- CCTV Images captured in school

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 pupil information

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

- 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 meet the statutory duties placed upon us for DfE data collections
- g) To comply with the law regarding data sharing

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

We collect and use pupil information under Article 6 of the General Data Protection Regulation (GDPR), and at least one of the following conditions would apply whenever we process personal data:

- a) **Consent:** the individual has given clear consent for us to process their personal data for a specific purpose
- b) **Contract:** the processing is necessary for a contract we have with the individual, or because they have us to take specific steps before entering into a contract
- c) **Legal Obligation:** the processing is necessary for us to comply with the law (not including contractual obligations)
- d) **Vital interests:** the processing is necessary to protect someone's life
- e) **Public Task:** the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.
- f) **Legitimate Interest:** the processing necessary for our legitimate interests or the legitimate interest of a third party unless there is good reason to protect the individual's personal data which overrides those legitimate interests. This cannot apply as we are a public authority when processing data to perform our official tasks. As a public authority we will rely on official functions (e).

Where we are processing **special category data**, set out in Article 9 of GDPR, **as well as** one of the six lawful basis for processing, we will ensure that a **condition for processing** from the following list applies:

- a) **The data subject has given explicit consent** to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject.
- b) processing is necessary for the purposes of **carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law** in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.
- c) **Processing is necessary to protect the vital interests of the data subject or of another natural person** where the data subject is physically or legally incapable of giving consent.
- d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact

with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects.

e) Processing relates to personal data which are manifestly made public by the data subject.

f) Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

g) **Processing is necessary for reasons of substantial public interest**, on the basis of 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.

h) processing is necessary for the **purposes of preventive or occupational medicine**, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3.

i) processing is necessary for **reasons of public interest in the area of public health**, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.

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.

## Collecting pupil information

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 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.

## Storing pupil data

We hold pupil data 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. Our record retention schedule sets out how long we keep information about pupils.

## Who we share pupil information with

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our local authority
- the Department for Education (DfE)
- Academy Chains, Federations or Multi Academy Trusts.
- School Nurse
- NHS
- third party software providers for the purpose of the curriculum
- suppliers and service providers to enable them to provide the service we have contracted them for
- professional advisers and consultants
- children's social care

## Why we regularly 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 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.

## 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)

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 NPD, go to

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

## 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 'How Government uses your data' section.

## 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 School Business Manager on [Office@Sandbrook.rochdale.sch.uk](mailto:Office@Sandbrook.rochdale.sch.uk) or via the school office.

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
- a right to seek redress, either through the ICO, or through the courts

If you have a concern or complaint 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/>

## 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)

## Sharing by the Department

The law allows the Department to share pupils' personal data with certain third parties, including:

- schools
- 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/dfе-external-data-shares>

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

If you have a concern about the schools data protection practice you can contact our Data Protection Officer on [DPOschools@Rochdale.gov.uk](mailto:DPOschools@Rochdale.gov.uk)