

# Hamwic Education Trust & Livingstone Road Primary Federation

## Pupil Privacy Notice

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### 1. Introduction

Under UK data protection law, individuals have a right to be informed about how our school and the Hamwic Education Trust (HET) 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 at our school.

Our Trust, Hamwic Education Trust is the ‘data controller’ for the purposes of UK data protection law.

Our Trust Data Protection Officer is Gemma Carr (see ‘Contact us’ below).

Our school Data Compliance Officer is Julie Atkinson (see ‘Contact us’ below).

## **2. The personal data we hold**

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

- Personal identifiers and contact details such as name, unique pupil number, contact details, address contact preferences, date of birth, identification documents
- Assessment and attainment including results of internal assessments and externally set tests
- Pupil and curricular records
- Behaviour and exclusion information
- Attendance information
- Safeguarding information
- Special educational needs
- Details of any support received, including care packages, plans and support providers

We may also collect, use, store and share (when appropriate) information about pupils that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

- Medical and administration such as doctors information, physical and mental health, dental health, allergies, medication, dietary requirements
- Photographs and CCTV images captured in school
- Biometric information for catering and/or library systems
- Characteristics, such as ethnic background, special educational needs or free school meal eligibility

We may also hold data about pupils that we have received from other organisations, including other schools and social services.

## **3. Why we use this data**

We use the data listed above to:

- a) Support pupil learning
- b) Monitor and report on pupil progress and attainment
- c) Provide appropriate pastoral care
- d) Protect pupil welfare
- e) Keep children safe (food allergies, emergency contact details)
- f) Assess the quality of our services
- g) Administer admissions waiting lists
- h) Carry out research
- i) Comply with the law regarding data sharing
- j) Meet the statutory duties placed upon us by the Department for Education

### **3.1 Use of pupils' personal data for marketing purposes**

Where consent has been given, we may send pupils marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to them.

Consent can be withdrawn by 'opting out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

### **3.2 Use of pupils' personal data in automated decision making and profiling**

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing, including the right to object to it.

## **4. Our lawful basis for using this data**

Our lawful bases for processing pupils' personal data for the purposes listed in section 3 above are as follows:

- the 'public task' basis – we need to process data to fulfil our official duties as a school as set out here: (for example, updating and maintaining educational records)
  - Education Act 1996
- the 'legal obligation' basis – we need to process data to meet our responsibilities under law as set out here:
  - Keeping Children Safe in Education (latest guidance)
- the 'vital interest' basis, we will use this information in a life-or-death situation (for example, passing on information about a pupil's serious health condition to the NHS or a health professional where there is a risk of death or serious injury to that pupil or another individual)
- Consent (e.g. some photographs and biometric data)

Where consent has been provided to use pupil's data, it may be withdrawn at any time. We will make this clear when requesting consent, and explain how consent can be withdrawn if you wish to do so.

### **4.1 Our basis for using special category data**

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and the conditions we may rely on for processing special category data are:

- We have obtained explicit consent to use pupil's personal data in a certain way
- We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- We need to process it for reasons of substantial public interest as defined in legislation

## **5. Collecting this data**

While the majority of information we collect about pupils is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information, we make it clear whether it must be provided (and if so, what the possible consequences are of not complying), or whether there is a choice.

Most of the data we hold about pupils will come from pupils or parents, but we may also hold data about pupils from:

- Local authorities
- Government departments or agencies
- Police forces, courts, tribunals

## **6. How we store this data**

We keep personal information about pupils while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary. Our record retention schedule sets out how long we keep information about pupils.

If you would like a copy of the school record retention schedule, please contact your school office.

We have put in place appropriate security measures to prevent pupils' personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of pupils' personal data securely when we no longer need it.

## **7. Who we share data with**

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

Where it is legally required or necessary (and it complies with UK data protection law), we may share personal information about pupils with:

- Our Multi Academy Trust (HET)
- Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions
- Government departments or agencies
- Our youth support services provider
- Our regulator, Ofsted
- Suppliers and service providers:
  - Catering company
  - Management information system
  - Library service
- Financial organisations
- Our auditors
- Survey and research organisations
- Health authorities such as the NHS
- Security organisations
- Health and social welfare organisations such as the school nurse
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals

### **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 DfE either directly or via our local authority for the purpose of those data collections, under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by the DfE under a combination of software and hardware controls, which meet the current government security policy framework.

### **Local Authorities**

We may be required to share information about our pupils with the local authority to ensure that they can conduct their statutory duties under the Schools Admission Code, including conducting Fair Access Panels.

### **National Pupil Database**

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census and early years census.

Some of this information is then stored in the National Pupil Database (NPD), which is owned and managed by the Department for Education and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with third parties, such as other organisations which promote children's education or wellbeing in England. These third parties must agree to strict terms and conditions about how they will use the data.

For more information, see the Department's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) with any further questions about the NPD.

### **7.1 Transferring data internationally**

We may share personal information about a pupil with the following international third parties, where different data protection legislation applies:

- Other schools or educational establishments
- App or cloud server providers

Where we transfer your child's personal data to a third-party country or territory, we will do so in accordance with UK data protection law and on the basis of an adequacy regulation by the UK government.

In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

## **8. Your rights**

### **8.1 How to access personal information**

You have a right to make a 'subject access request' to gain access to personal information that we hold.

If you make a subject access request, and if we do hold information about a pupil, we will (subject to any exemptions that apply):

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your child's personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact us (see 'Contact us' below).

Once a pupil is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), we will need to obtain consent from the pupil in order to make a subject access request on their behalf.

## **8.2 Your right to access your child's educational record**

Parents, or those with parental responsibility, are able to access information about their child by making a Subject Access Request (see 8.1). [Please see note at 8.3 below where the pupil is 12 or over.]

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

To make a request, please contact the schools' Data Compliance Officer.

## **8.3 Your other rights regarding your child's data**

Under UK data protection law, parents and pupils have certain rights regarding how their personal data is used and kept safe. For example, you have the right to:

- Object to our use of your personal data
- Prevent your data being used to send direct marketing
- Object to and challenge the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, have the personal data we hold deleted or destroyed, or restrict its processing
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact us' below).

## **9. Complaints**

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## 10. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact:

- Gemma Carr, Data Protection Officer, Hamwic Education Trust, Unit E, The Mill Yard, Nursling Street, Southampton, SO16 0AJ. Email: [compliance@hamwic.org](mailto:compliance@hamwic.org).

However, our school Data Compliance Officer has day-to-day responsibility for data protection issues in our school.

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact them:

- Julie Atkinson [j.atkinson@livingstoneprimary.org](mailto:j.atkinson@livingstoneprimary.org)