Fairhaven CE VA Primary School

Pupil Data Privacy Notice

[Version v3.4]

If you are reading a printed version of this document, you should check the Information Management pages on the school website to ensure that you have the most up-to-date version.

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

Data Protection Officer: **Data Protection Education Ltd**

Telephone: 0800 0862018

Email: dpo@dataprotection.education

If you would like a copy of any documentation, please contact the school office: **office@southwalshamfairhaven.norfolk.sch.uk**

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Purpose of this document

You have a legal right to be informed about how Fairhaven CE VA Primary School uses any personal information that we hold about you. To comply with this, we provide a privacy notice (this document) to you where we are processing your personal data.

We Fairhaven CE VA Primary School are the 'data controller' for the purposes of data protection law. This notice describes how we collect, store and use personal data about pupils at our [school/ organisation] like you. As a 'data controller', we are responsible for deciding what data is collected and how it is processed.

Under the Data Protection Act 2018 and the UKGDPR, we must abide by the principle of transparency and the right of data subjects to be informed about how their data is processed.

This document provides such information. It will be updated from time to time and updates will be communicated to the relevant data subjects.

It is your duty to inform us of changes.

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

- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- characteristics (such as ethnicity, language, and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- 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 (such as key stage 1 and phonics results, SATS (Standard Assessment Tests), post 16 courses enrolled for and any relevant results)
- behavioural information (such as exclusions and any relevant alternative provision put in place)
- Photographs and video clips;
- Post 16 destinations and learning information; and
- Filtering and monitoring records, such as account and device identifiers, websites visited or blocked, searches, online activity and safeguarding or security alerts, where captured by the systems we use.

- Breakfast club registration and attendance, including sessions booked or attended and relevant dietary, allergy and emergency contact information.

Why we collect and use this information

We use the data listed above to

- support pupil learning;
- monitor and report on pupil attainment progress;
- provide appropriate pastoral care;
- assess the quality of our services;
- comply with the law regarding data sharing;
- keep children safe (food allergies, or emergency contact details); support safeguarding, child protection and wellbeing;
- identify and respond to welfare concerns or risks of harm;
- support attendance, inclusion and mental health interventions;
- support multi-agency safeguarding and wellbeing arrangements;
- support secure online learning and educational technology services;
- maintain the safety and security of school systems and premises; and
- operate proportionate filtering and monitoring of school devices, networks and accounts to block harmful content, identify online safety concerns and enable authorised staff to review and respond to safeguarding or security alerts;
- meet the statutory duties placed upon us for the Department for Education (DfE) data collections.

Our lawful basis for using this data

We will only collect and use your information when the law allows us to. We need to establish a lawful basis to do this. Our lawful basis for processing your personal information can be seen below:

- We collect and use pupil information under Article 6(1)(e) UK GDPR (public task) where it relates to a child's educational progression;
- Some photographs and videos are used only after consent has been obtained, under Article 6(1)(a) UK GDPR, where consent is the appropriate lawful basis;
- Where medical data is being processed, this is processed under Article 6(1)(c) UK GDPR (legal obligation) (Children and Families Act 2014 which includes a duty on schools to support children with medical conditions);

- Safeguarding data is processed under the legal obligation of The Education Act 2002. Sections 21 and 175, which detail how governing bodies of schools must promote the well-being of pupils and take a view to the safeguarding of children at the school;

Filtering and monitoring is necessary for our safeguarding public task under Article 6(1)(e) UK GDPR and, where a specific statutory duty requires the processing, Article 6(1)(c). We apply an additional Article 9 condition or Article 10 authorisation where alerts contain special category or criminal-offence information. [Identify the systems, retention periods and recipients in Appendix A.]

- We collect and process pupil information to perform our official function under Article 6(1)(e) UK GDPR (public task)
- Where it is carried out as a task in the public interest such as equal opportunities monitoring, for child protection purposes or where otherwise authorised by law, such as Departmental Censuses as required in the Education Act 1996.

Where you have provided us with consent to use your personal information, you may take back this consent at any time. We will make this clear when requesting your consent and explain how you withdraw your consent if you want to.

Educational technology and AI-assisted systems

The school/trust uses digital learning platforms, safeguarding systems and administrative technologies, including some systems that may use artificial intelligence (AI) features.

These tools may assist with:

- accessibility and translation;
- safeguarding monitoring;
- online safety monitoring;
- learning support and feedback;
- administration and communication; and
- cyber-security protection.

These tools often work alongside our filtering, monitoring, and security systems to help safeguard pupils and meet our statutory safeguarding duties. Any significant decisions affecting pupils will involve appropriate human oversight.

We require technology providers to comply with data protection and safeguarding obligations.

Our basis for using special category data

For special category data (sensitive personal information) we only collect and use it when we have both a lawful basis as set out above and one of the following conditions for processing as set out in data protection law:

- Where we have obtained your explicit consent to use your information in a certain way;
- When we need to use your information under employment ,social security, or social protection law;
- When we need to protect an individual's vital interest (i.e protect your life or someone else's life) in situations where you are physically or legally incapable of giving consent;
- Where the information has already been made obviously public by you;
- When we need to use it to make or defend legal claims;
- When we need to use it for reasons of substantial public interest as defined in legislation;
- Where we need to use it for health and social care purposes and it's used by, or under the direction of, a professional obliged to confidentiality under law;
- Where we need to use it for public health reasons and its used by, or under the direction of, a professional bound by confidentiality under law; and
- When we need to use it for archiving purposes, scientific or historical research purposes, and/or for statistical purposes, and the use is in the public interest.

For criminal offence data, we will only collect and use this type of personal information when we have both a lawful basis as set out above and authorisation under Article 10 UK GDPR and section 10(5) of the Data Protection Act 2018, including an applicable condition in Schedule 1 of that Act; we maintain an Appropriate Policy Document where required. Conditions include:

- we have obtained your consent to use it in a specific way;
- we need to protect an individual's vital interests (i.e protect your life or someone else's life) in situations where you are physically or legally incapable of giving consent;
- the data concerned has already obviously been made public by you;
- we need to use it as part of legal proceedings, to obtain legal advice or to make or defend against legal claims; and
- we need to use it for reasons of substantial public interest as defined in legislation.
- Children and Families Act 2014 includes a duty on schools to support children with medical conditions;
- The Equality Act 2010 (England, Scotland and Wales) requires you to make reasonable adjustments to ensure that children and young people with a disability are not put at a substantial disadvantage compared with their peers;
- The Education Act 2002, Sections 21 and 175 detail how governing bodies of schools must promote the wellbeing of pupils and take a view to the safeguarding of children at the school;
- Section 3 of the Children Act 1989 places a duty on a person with the care of a child to do all that is reasonable in the circumstances for the purposes of safeguarding the child;
- Education Act 1996, relating to attendance at school.

Legitimate interests

In limited circumstances, we may process certain technical and usage information under Article 6(1)(f) UK GDPR, where necessary for legitimate interests outside the performance of our public tasks relating to:

- maintaining the safety and security of school systems and devices;
- preventing unauthorised access or misuse;
- supporting online safety and safeguarding measures; and
- protecting school networks and services.

Such processing will always be carried out in a lawful, fair and proportionate manner with appropriate safeguards.

Where these activities form part of our public tasks, including statutory safeguarding and related filtering and monitoring, we use Article 6(1)(e) or, where applicable, Article 6(1)(c), rather than legitimate interests.

Collecting and storing pupil information

Pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection whether you are required to provide certain pupil information to us or if you have a choice in this.

We collect pupil information in multiple ways:

- Transfer of electronic and physical data from another setting (such as a previous school);
- Information given to us by the pupils in the school (such as in work or behaviour reports);
- Information given to us by a parent or carer (such as information required when a child starts school); and
- Information provided to us from external agencies and organisations (such as the Local Authority).

Where we collect and hold pupil information, we use appropriate technical and organisational measures to keep it secure. Data will be kept for the periods, or in accordance with the criteria, set out in our Retention Schedule. The current schedule is available at [insert direct website link] or from the school office.

Whom we share pupil information with

We routinely share pupil information with

- schools that the pupils attend after leaving us;

- our local authority;
- examinations bodies;
- admissions authorities;
- youth support services (pupils aged 13+);
- The Department for Education (DfE);
- suppliers that we have contracted with to provide educational services and those related to the operations of the school (see Appendix A);
- examination boards;
- the police, when investigating or preventing crime;
- courts and tribunals, when ordered to do so under the law;
- the pupil's family and authorised representatives;
- Health and welfare organisations;
- Statutory research bodies;
- regulators, such as Ofsted or the Information Commissioner's Office, when required to do so;
- safeguarding partners;
- health and social care providers;
- mental health and wellbeing support services;
- online safety and filtering/monitoring providers;
- early help services;
- other agencies involved in safeguarding children; and Auditors and other professional bodies.

The school/trust may use filtering, monitoring and security systems on school devices, networks and accounts to help safeguard pupils, maintain system security and meet statutory safeguarding duties.

Some educational technology providers may process information outside the United Kingdom. Where this occurs, we will identify the destination and use an applicable transfer mechanism, such as UK adequacy regulations, the UK International Data Transfer Agreement or the UK Addendum to approved contractual clauses. Information about the applicable safeguard, and how to obtain a copy, is available from the Data Protection Officer.

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.

Where we share with third-party services, this will be in line with data protection law and specified in the agreements with those third-parties.

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 our local authority (LA) and the Department for Education (DfE) under regulation 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

Department for Education (DfE)

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 those data collections, under:

Examples for school census:

Regulation 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

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

For more information, please see the 'How the Government uses your data' section.

For privacy information about data collected and used by the Department for Education, see:

https://www.gov.uk/government/publications/privacy-information-early-years-foundation-stage-to-key-stage-3

https://www.gov.uk/government/publications/privacy-information-key-stage-4-and-5-and-adult-education

How Government uses your data

The pupil data that we lawfully share with the Department for Education (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)

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education (DfE) (for example; via the school census) go to https://www.gov.uk/education/data-collection-and-censuses-for-schools

The National Pupil Database (NPD)

Much of the data about pupils in England is held in the National Pupil Database (NPD).

The NPD is owned and managed by the Department for Education (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 for Education (DfE).

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.

To find out more about the NPD, go to https://www.gov.uk/government/publications/national-pupil-database-npd-privacy-notice/national-pupil-database-npd-privacy-notice

Sharing by the Department for Education (DfE)

The Department for Education (DfE) will only share pupils' personal data where it is lawful, secure and ethical to do so. Where these conditions are met, the law allows the Department for Education 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

For more information about the Department for Education's (DfE) 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 the Department for Education (DfE) to request access to individual-level information relevant to detecting that crime.

For information about which organisations the Department for Education (DfE) has provided pupil information (and for which project) or to access a monthly breakdown of data share volumes with the Home Office and the Police, please visit the following website: https://www.gov.uk/government/publications/dfe-external-data-shares

How to find out what personal information the Department for Education (DfE) holds about you

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department for Education (DfE):

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within the Department for Education's (DfE) personal information charter, which is published at the address below:

https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights

To contact the Department for Education (DfE): https://www.gov.uk/contact-dfe

Your rights

Your rights depend on our purpose and lawful basis for processing and are not all available in every circumstance. Where applicable, you have the following rights:

- Right of access
- Right of erasure
- Right of rectification
- Right to object to processing
- Right to be informed
- Right to data portability
- Right not to be subject to decisions based on automated decision making
- Right to restrict processing

The Data Protection Officer (DPO) is in a position to ensure your rights are supported. To contact the DPO or to make a right of access request (subject access request) use the contact details on the front of this notice.

For example, data portability applies only to information you have provided where processing is automated and based on consent or contract. The right to erasure does not apply where processing is necessary to comply with a legal obligation or perform our public task. You may object to processing based on public task or legitimate interests, subject to the applicable legal tests. Where we rely on consent, you may withdraw it at any time without affecting the lawfulness of earlier processing.

Concerns about how your personal data is handled

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance using the contact information on the first page of this document.

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

If you wish to make a complaint about how we have used your personal information, please contact the Data Protection Officer using the details on the first page or submit it electronically using office@southwalshamfairhaven.norfolk.sch.uk. We will acknowledge receipt within 30 days and take appropriate steps to investigate and respond without undue delay. You also have the right to complain to the Information Commissioner's Office at https://ico.org.uk/make-a-complaint/data-protection-complaints/. You may contact the ICO without first completing our complaints process.