



## **Privacy Notice (How we use pupil – including Looked after Children and Children in Need - and parent information)**

### **Why do we collect and use pupil information? (Lawful basis for processing).**

We collect and use pupil information under Article 6(1)(e) of the GDPR which states 'Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller' and Article 9(2)(g) The processing is necessary for reasons of substantial public interest, and occurs on the basis of a law that is, inter alia, proportionate to the aim pursued and protects the rights of data subjects.

We use pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to enable us to carry out specific functions for which we are responsible
- to derive statistics which inform decisions such as the funding of schools
- to assess performance and to set targets for schools

We use parent data:

- to obtain information from your child's previous school and professionals such as doctors and from local authorities.
- regarding family circumstances which might affect your child's welfare or happiness.
- regarding court orders or criminal petitions which relate to you. This is so that we can safeguard the welfare and wellbeing of your child and the other pupils at the School.
- for statistical purposes
- to apply for Pupil Premium grants from the Department for Education

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

- Personal information (such as name, unique pupil number 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) – for pupils
- Relevant medical information including next of kin
- Special educational needs information for pupils
- Exclusions/behavioural information for pupils
- Information relating to episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information) – LAC/CIN pupils
- Episodes of being looked after (such as important dates, information on placements) – LAC/CIN pupils
- Outcomes for looked after children (such as whether health and dental assessments are up

- to date, strengths and difficulties questionnaire scores and offending) – LAC/CIN pupils
- Adoptions (such as dates of key court orders and decisions) – LAC/CIN pupils
- Care leavers (such as their activity and what type of accommodation they have) – LAC/CIN pupils
- Financial information (such as national insurance number to ascertain pupil premium eligibility) – for parents

### **Collecting pupil and parent information**

Whilst the majority of 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.

FOR LAC and CIN we use this personal data to:

- support these children and monitor their progress
- provide them with pastoral care
- assess the quality of our services
- evaluate and improve our policies on children's social care

### **Storing data**

We hold pupil data for the period of time recommended in the document retention guidance set out by the IRMS.

### **Who do we share information with?**

We routinely share pupil information with:

- Schools that the pupils attend after leaving us
- Our local authority
- The Department for Education (DfE)
- Governors and trustees of the GEMS Learning Trust
- Social welfare agencies
- NHS agencies

### **Why we share information**

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

We share children in need and children looked after data with the Department for Education (DfE) 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.

We do not share information about our children in need or children looked after 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 also required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All pupil data is shared in accordance with in accordance with best practice guidance stipulated in KCSIE 2020.

### **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](#).

Children looked after: <https://www.gov.uk/guidance/children-looked-after-return>

Children in need: <https://www.gov.uk/guidance/children-in-need-census>

### **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 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 Beth Gorsuch, Data Protection Officer. We

respectfully request that you request information during term time to give the academy the best opportunity to comply with your request within one calendar month although you are under no legal obligation to do so.

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/>

**Contact:**

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

- Beth Gorsuch, Data Protection Officer, [gemslearningtrust@gemseducation.org.uk](mailto:gemslearningtrust@gemseducation.org.uk)