



## **PRIVACY POLICY**

<b>Title of Policy</b>	<b>PRIVACY POLICY</b>
<b>Date of adoption</b>	<b>Spring 2020</b>
<b>Originator</b>	<b>Andrew Burton</b>
<b>Date of review</b>	<b>Spring 2021</b>
<b>Additional information</b>	

# **Ashby School Privacy Notice - Students and Parents**

## **(How we use student information)**

### **Introduction**

Ashby School is the data controller of the personal information you provide to us. This means that the school determines the purposes for which, and the manner in which, any personal data relating to students and their families is to be processed.

Personal information is information that identifies you as an individual and relates to you. This notice contains the key information about how the school collects this information and what we do with this information.

This notice is to help parents and students understand our obligations and your rights under the new General Data Protection Regulations

### **Categories of information**

The categories of student information that we collect, hold and share include the following:

- Personal information – e.g. names, unique pupil numbers and addresses
- Characteristics – e.g. ethnicity, language, nationality, country of birth and free school meal eligibility
- Safeguarding information – e.g. court orders, professional involvement
- Relevant medical information – e.g. name of GP, relevant medical conditions, dietary requirements
- Attendance information - e.g. sessions attended, number of absences and absence reasons
- Assessment information – e.g. assessment and examination information
- Behavioural information – e.g. number of temporary exclusions
- Information relating to SEND
- Post 16 learning information
- School history – e.g. where students go when they leave us

### **Why we collect and use this information**

Ashby School holds the legal right to collect and use personal data relating to students and their families and we may also receive information regarding students from their previous school, LA and/or the DFE. This is collected and used for the following reasons

- To support students learning
- To monitor and report on student progress
- To provide appropriate pastoral care
- To assess the quality of our service
- To comply with the law regarding data sharing
- To safeguard students including food allergies or emergency contact details.

The admissions forms gives us personal information about you. We get information from students, their teachers and other students. Your old school also give us information if we need this to teach and care for you. Sometimes we get information from your doctor and other professionals where we need this to look after you.

We set in **Appendix 1** examples of the different ways in which we use your personal information and where that personal information comes from. We collect this information to help the Academy run properly, safely and to let others know what we do here. Please see Appendix 1 for some examples relating to you as a student:

## **The lawful basis on which we use this information**

This section contains information about the legal basis that we are relying on when handling your information.

We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK Law, including in relation to the following:

- Article 6 and Article 9 of the GDPR
- Education Act 1996
- Regulation 5 of The Education (Information About Individual Pupils (England) Regulations 2013

The Academy must comply with the following conditions where it processes students' information:

### **1. Public Task**

GDPR Article 6(e) - Public task: "the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law."

The Academy relies on this basis for most of the ways in which it uses your information, since it is required to:

- Provide students with an education
- Safeguard and promote students' welfare

The Academy must also comply with an additional condition where it processes special categories of personal information. These special categories include: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, and information about sex life or orientation.

### **2. Legitimate interests**

GDPR Article 6(f) – "Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests."

Specifically, the Academy has a legitimate interest in:

- Promoting the objects and interests of the Academy.
- Facilitating the efficient operation of the Academy.

In addition your personal information may be processed for the legitimate interests of others. For example we may use information about a student when investigating a complaint made by a fellow student; or another boarding school will have a legitimate interest in knowing if fees that are due to us have not been paid.

If you object to us using your (or your child's) information where we are relying on our legitimate interests as explained above please contact the Data Protection Officer.

### **3. Legal obligation**

GDPR Article 6(c) - Legal obligation: "the processing is necessary for you to comply with the law (not including contractual obligations)."

Where the Academy needs to use a student's information in order to comply with a legal obligation, for example to report a concern about a student's wellbeing to Children's Services. The Academy may also have to disclose a student's information to third parties such as courts, the LA or the police where legally obliged to do so.

### **4. Vital interests**

GDPR Article 6(d) - Vital interests: "the processing is necessary to protect someone's life. For example, to prevent someone from being seriously harmed or killed."

To protect the vital interests of any person that cannot give consent, for example, if they are seriously hurt or are unconscious. This includes medical treatment and the management of healthcare services.

### **5. Consent**

GDPR Article 6(a) - Consent: "the individual has given clear consent for you to process their personal data for a specific purpose."

The Academy will often rely on parental consent to process personal data relating to pupils (if consent is required) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on the pupil's consent.

Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, we will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare, unless, in the school's opinion, there is a good reason to do otherwise.

You always have the right to withdraw consent, where given, or otherwise object to receiving generic or fundraising communications.

## **Collecting pupil information**

Whilst the majority of student 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 student information to us or if you have a choice in this.

## **Storing pupil data**

We keep a student's information for as long as we need to in order to educate and look after them. We will keep certain information after a student has left the academy, for example, so that we can find out what happened if a complaint is made. In exceptional circumstances, we may keep a student's information for a longer time than unusual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

Details of how long we retain student data for is detailed in our retention policy and depends on the type of data. However in general:

- Student files – DOB + 25 years
- SEN student files – DOB + 30 years

## **Who we share student information with**

We routinely share student information with:

- Schools that the students attend after leaving us
- Our local authority
- The Department for Education (DfE)
- Examination boards
- The school nurse

We also provide student level personal data to third party organisations which supply services to us for which the provision of data is essential for the service to be provided. Decisions on whether to release this data are subject to a robust approval process, including arrangements in place to store and handle the data. We currently provide student level data for the following purposes:

- Systems integral to the delivery of core business services, e.g. Bromcom, Anycomms, Learning Records Service
- Systems integral to the operation of IT Services systems, e.g. Imperio, Gladstone, Wisepay
- Curriculum Products, e.g. SAM Learning, Datasec, ALPS

A full current list is available on request

## **Why we share pupil information**

We do not share information about our students with anyone without consent unless the law and our policies allow us to do so. We share student's 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 students with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

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>.

## **Youth support services**

### **Pupils aged 13+**

Once students reach the age of 13, we also pass student information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent or guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once he/she reaches the age 16.

### **Pupils aged 16+**

We will also share certain information about pupils aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers
- youth support services
- careers advisers

A student once they reach the age of 16 can object to only their name, address and date of birth is passed to their local authority or provider of youth support services by informing us. For more information about services for young people, please visit our local authority website.

## **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 with the DFE either directly or via our local authority for the purpose of these data collections:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance
- School Census under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013

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 student 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.

The law allows the DFE to share student's 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 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 crime. Whilst numbers fluctuate slightly over time, DFE typically supplies data on around 600 students per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the department has provided student information, (and for which project), or to access a monthly breakdown of data share volumes with Home Office and the Police please visit:

<https://www.gov.uk/government/publications/dfc-external-data-shares>

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department:

- 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 personal data held about you by the department you should make a 'subject access request'. Further information on how to do this can be found within the department's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

## **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

## **Requesting access to your personal data and your rights**

Under GDPR, parents and students 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 Data Protection Officer.

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, for example, where we no longer need the information.
- a right to seek redress, either through the ICO, or through the courts.

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at

<https://ico.org.uk/concerns/>

## **How Government uses your data**

### **The student 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)

## **The National Pupil Database (NPD)**

Much of the data about students in England goes on to be held in 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.

To find out more about the NPD, please visit:

[https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information.](https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information)

## **How to find out what personal information DfE hold about you**

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department:

- 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, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

## **Contact**

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

Data Protection Officer  
Ashby School  
Nottingham road  
Ashby de la Zouch  
Leicestershire LE65 1DT

Email: [dpo@ashbyschool.org.uk](mailto:dpo@ashbyschool.org.uk)

## **Appendix 1 - Examples of the different ways in which we use your personal information**

- We need to tell appropriate members of staff if you are allergic to something or might need extra help with some task.
- We may need to share information about your health and wellbeing with the School Nurse or counsellor.
- We use CCTV to make sure the academy is safe. CCTV is not used in private areas such as changing rooms
- We may need to report some of your information to the government. For example, we may need to tell the local authority that you attend the academy or let them know if we have any concerns about your welfare.
- We may need information about any court orders or criminal matters which relate to you. This is so that we can safeguard your welfare and wellbeing and the other students at the academy.
- If you are from another country have to make sure that you have the right to study in the UK. We might have to provide information to UK Visas and Immigration who are part of the government.
- Depending on where you will go when you leave us we may need to provide your information to other schools, colleges and universities or potential employers. For example we may share information about your exam results and provide references. We may need to pass on information which they need to look after you.
- When you take public examinations will need to share information about you with examination boards. For example, if you need extra time in your exams.
- We may need to share information with the police or our legal advisers if something goes wrong or to help with an inquiry. For example, if one of your classmates is injured at school or there is a burglary.
- Occasionally we may use consultants, experts and other advisors to assist the academy in fulfilling its obligations and to help run the academy properly. We might need to share your information with them if this is relevant to their work
- If you have misbehaved in a serious way, and the police have become involved, we may need to use information about the action taken by the police.
- We may share some information with our insurance company to make sure that we have the insurance cover that we need.
- We may share your academic and your behaviour records with your parents or guardians so they can support your schooling.
- We may share information about you between the schools in our partnership. For example, how well you have behaved at other schools and test results.
- We will only share your information with other people and organisations when we have a good reason to do so. In exceptional circumstances, we may need to share it more widely than we would normally.



- We will monitor your use of email, the internet and mobile electronic devices e.g. iPads. This is to check that you are complying with our behaviour code when using this technology and not putting yourself at risk of harm. If you would like more information about this you can read the acceptable use of IT and e mail policy or speak to your tutor.
- We may use photographs or videos of you for the academy's website and social media sites or prospectus to show prospective students what we do here and to advertise the academy. We may continue to use these photographs and videos after you have left the academy
- Sometimes we use photographs and videos for teaching purposes, for example to record a drama lesson
- If you have any concerns about us using photographs or videos of you please speak to your tutor
- We publish our public examination results, sports fixtures and other news on the website and put articles in the local news to tell people what we have been doing.
- We share information about school trips that you take part in so that all the appropriate checks can be made to ensure the safety of students.
- If you are a boarding student we will process information about you in relation to the payment of boarding fees. In some cases we may get information from third parties such as credit reference agencies or from your previous school. We may hold information about bankruptcy petitions and statutory demands.
- We sometimes use contractors to handle personal information on our behalf. The following are examples:
  - IT consultants who might access information about you when checking the security of our IT network.
  - We use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the academy site.

If you have any concerns about the above, please speak to your tutor.