

# Pupils' Privacy Notice

*'Working together to achieve success'*

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 safeguard pupils
- to communicate with parents

## The categories of pupil 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)
- Family details (including name, address, contact information, court orders and National Insurance numbers)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as results of statutory tests and ongoing teacher assessments)
- Medical information given to us by parents and other third parties such as NHS Trusts, GPs and allied medical professionals (e.g. physiotherapists, sight and hearing professionals)
- Special Educational Needs and Disability
- Behaviour and exclusions
- Specific dietary requirements

## The lawful basis on which we use this information

On the 25th May 2018 the Data Protection Act 1998 was replaced by the General Data Protection Regulation (GDPR). The condition for processing under the GDPR is:

### Article 6

1. Processing shall be lawful only if and to the extent that at least one of the following applies:
  - a) The Data subject has given consent;
  - b) Processing is necessary for compliance with a legal obligation to which the controller is subject;
  - c) To protect the vital interests of the data subject or of another person such as providing medical information to the emergency services;

### Article 9

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.
2. Paragraph 1 shall not apply if one of the following applies:
  - 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



Our mission:

**'Working together to achieve success'**

- As active and healthy **individuals** who are inquisitive, have the belief to try new things and manage risks safely.
- As resilient, confident and independent **learners** who strive to achieve their best.
- As **honest, courteous** and **kind friends** who **respect** and value difference and have the **courage** to challenge discrimination.
- As active and **responsible** and **respectful citizens** who have a positive impact within their school, community and wider world.

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.

The Education (Information about Individual Pupils) (England) Regulations 2013 - Regulation 5 'Provision of information by non-maintained special schools and Academies to the Secretary of State' states 'Within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special school or an Academy (shall provide to the Secretary of State such of the information referred to in Schedule 1 and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.'

The Education Act 1996 - Section 537A – states that we provide individual pupil information as the relevant body such as the Department for Education.

Children's Act 1989 – Section 83 – places a duty on the Secretary of State or others to conduct research.

### **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 in accordance with record retention guidelines provided by the Information and Records Management Society. Please see Appendix 1 for further details.

### **Who we share pupil information with**

We may share pupil information with a number of partner agencies and organisations and currently include the following:

- Schools that pupils attend after leaving us
- Our local authority – Lancashire County Council
- The Department for Education (DfE)
- Children's Social Care
- Children and Family Wellbeing Service
- Longlands Child Development Centre, Lancashire Child, Adolescent Mental Health Service (CAMHS), Child Action North West and other specialist agencies who support children with additional needs
- Lancashire Care NHS Trust, Virgincare (School Nursing Team), Blackpool Fylde and Wyre NHS Trust and other NHS organisations
- Barnardos for any children being supported in school by a Mental Health Practitioner
- SIMS who provide the school's Management Information System which allows us to keep a record of each child's information
- ParentPay and School Spider and other platforms which allow us to communicate with parents and take electronic payments and parental consent
- CPOMS who provide the school's safeguarding system
- Iris.co.uk for monitoring of Looked After Children's attendance
- IDL Learning Platform, Times Tables Rockstars, Accelerated Reader and other online learning platforms which allow us to create personal accounts for pupils

### **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.

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

Our school nurse works in partnership with Mossgate and the NHS to organise vaccinations and to support students after hospitalisation. We would like to make you aware that we therefore share contact information and changes to our student population with the NHS, via the School Nurse Service (Virgincare).

**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>.

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 Mrs Helen Taylor.

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, 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/>

### Contact

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

**Mrs Helen Taylor – Deputy Headteacher**

Reviewed by the Subject Leader:	Next review date:
Spring 2024	Spring 2025

## Appendix 1 – Pupil Data Retention Guidelines

Please note that any record containing pupil information may be subject to the requirements of the IICSA. Schools should implement any instruction which has been received from IICSA. The instructions from IICSA will override any guidance given in this Retention Schedule. If any school is unsure about what records should be retained, they should seek the advice of their own local authority or take independent legal advice.

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
<b>Admissions Process</b>				
All records relating to the creation and implementation of the School Admissions Policy	School Admissions Code  Statutory guidance for admission authorities, governing bodies, local authorities, schools, adjudicators and admission appeals panels December 2014	Life of the policy + 3 years then review	SECURE DISPOSAL	

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Admissions – if the admission is successful	School Admissions Code  Statutory guidance for admission authorities, governing bodies, local authorities, schools, adjudicators and admission appeals panels December 2014	Date of admission + 1 year	SECURE DISPOSAL	Yes
Admissions – if the appeal is unsuccessful	School Admissions Code  Statutory guidance for admission authorities, governing bodies, local authorities, schools, adjudicators and admission appeals panels December 2014	Resolution of case + 1 year	SECURE DISPOSAL	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Register of Admissions	<p>School Admissions Code</p> <p>Statutory guidance for admission authorities, governing bodies, local authorities, schools, adjudicators and admission appeals panels December 2014</p>	Every entry in the admission register must be preserved for a period of three years after the date on which the entry was made	<p>REVIEW</p> <p>Schools may wish to consider keeping the admission register permanently as an archive record as often schools receive enquiries from past pupils to confirm the dates they attended the school or to transfer these records to the appropriate County Archives Service</p>	
Proofs of address supplied by parents as part of the admissions process	<p>School Admissions Code</p> <p>Statutory guidance for admission authorities, governing bodies, local authorities, schools, adjudicators and admission appeals panels December 2014</p>	Current year + 1year	SECURE DISPOSAL	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Supplementary information form including additional information such as religion, medical conditions etc: <ul style="list-style-type: none"> <li>• For successful admissions</li> <li>• For unsuccessful admissions</li> </ul>		<ul style="list-style-type: none"> <li>• This information should be added to the pupil file</li> <li>• Until appeals process completed (GDPR)</li> </ul>	<ul style="list-style-type: none"> <li>• SECURE DISPOSAL</li> <li>• SECURE DISPOSAL</li> </ul>	Yes
<b>Pupil's Educational Record</b>				
Pupil's Educational Record required by The Education (Pupil Information) (England) Regulations 2005	The Education (Pupil Information) (England) Regulations 2005 SI 2005 NO. 1437  As amended by SI 2018 No 688	Retain whilst child remains at the primary school	The file should follow the pupil when he/she leaves the primary school. This will include: <ul style="list-style-type: none"> <li>- To another primary school</li> <li>- To a secondary school</li> <li>- To a pupil referral unit</li> </ul>	Yes



Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Examination Results – Pupil copies: <ol style="list-style-type: none"> <li>1. Public</li> <li>2. Internal</li> </ol>		<ol style="list-style-type: none"> <li>1. This information should be added to the pupil file</li> <li>2. This information should be added to the pupil file</li> </ol>	All uncollected certificates should be returned to the examination board after reasonable attempts to contact the pupil have failed.	
Child protection information held on pupil file	Keeping Children Safe in Education: Statutory guidance for schools and colleges 2018  Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children 2018	If any records relating to child protection issues are placed on the pupil file, it should be in a sealed envelope and then retained for the same period of time as the pupil file.  Note: These records will be subject to any instruction given by IICSA.	SECURE DISPOSAL  These records must be shredded	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Child protection information held in separate files	<p>Keeping Children Safe in Education: Statutory guidance for schools and colleges 2018</p> <p>Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children 2018</p>	<p>DOB of the child + 25 years then review</p> <p>This retention period was agreed in consultation with the Safeguarding Children Group on the understanding that the principal copy of this information will be found on the Local Authority Social Services record.</p> <p>Note: These records will be subject to any instructions given by IICSA</p>	<p>SECURE DISPOSAL</p> <p>These records must be shredded</p>	Yes
<b>Attendance</b>				
Attendance Registers	<p>School attendance: Departmental advice for maintained schools, Academies, independent schools and local authorities October 2014</p>	<p>Every entry in the attendance register must be preserved for a period of 3 years after the date on which the entry was made</p>	SECURE DISPOSAL	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Correspondence relating to any absence (Authorised or unauthorised)	Education Act 1996 Section 7	Current academic year + 2 years	SECURE DISPOSAL	Potential
<b>SEND</b>				
Special Educational Needs files, reviews and Education Health and Care Plan, including advice and information provided to parents regarding educational needs and accessibility strategy	Children and Family's Act 2014; Special Educational Needs and Disability Act 2001 Section 14	DOB of pupil + 31 years  [Education, Health and Care Plan is valid until the individual reaches the age of 25 years – the retention period adds an additional 6 years from the end of the plan in line with the Limitation Act]	SECURE DISPOSAL	Yes
<b>School Trips</b>				
Parental consent forms for school trips where there has been no major incident		Although the consent forms could be retained for DOB + 22 years, the school may wish to complete a risk assessment to assess whether the forms are likely to be required and could make a decision to dispose of the consent forms at the end of the trip (or at the end of the academic year). This is a pragmatic approach and if in doubt the school should seek legal advice	SECURE DISPOSAL	Yes
Parental consent forms for school trips where there has been a major incident	Limitation Act 1980 (Section 2)	DOB of pupil involved in the incident + 25 years.  The permission slips for all the pupils on the trip need to be retained to show that the rules had been followed for all pupils.	SECURE DISPOSAL	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
<b>Local Authority</b>				
Secondary Transfer sheets (primary)		Current year + 2 years	SECURE DISPOSAL	Yes
Attendance returns		Current year + 1 year	SECURE DISPOSAL	Yes
School census returns		Current year + 5 years	SECURE DISPOSAL	
Circulars and other information sent from the Local Authority		Operational use	SECURE DISPOSAL	