

Privacy Notice for Students and Parents

(How we use student information)

Under data protection law, individuals have a right to be informed about how the South Westmorland Multi Academy Trust uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about students.

We, the South Westmorland Multi Academy Trust, Dallam School, Milnthorpe, Cumbria, LA7 7DD, are the 'data controller' for the purposes of data protection law.

The personal data we hold

The categories of student information that we collect, hold and share (when appropriate) includes, but is not restricted to:

- Personal information (such as name, address, unique student number, date of birth and identification documents)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences, absence reasons and any previous school attended)
- Assessment information (such as reports, feedback, test data and exam results)
- Relevant medical information (such as medication details, allergies, medical conditions and notes from meetings/GPs/other health care professionals)
- Special Educational Needs information (such as Education and Health Care Plans (EHCPs), Individual Education Plans (IEPs) and notes from review meetings and professional assessments)
- Exclusion and behaviour information
- Post 16 learning information and destination data
- Safeguarding information (such as court orders and professional involvement)
- Photographs
- CCTV images captured in school

We may also hold data about students that we have received from other organisations, including other schools, local authorities and the Department for Education.

Why we collect and use this information

The personal data collected is essential, for the school to fulfil their official functions and meet legal requirements.

We use the student data:

- To support student learning
- To monitor and report on student progress
- To provide appropriate pastoral care
- To protect student welfare
- To assess the quality of our services
- To administer admissions waiting lists
- To carry out research
- To comply with the law regarding data sharing

- To keep children safe (food allergies or emergency contact details)
- To meet the statutory duties placed upon us by the Department for Education

The lawful basis on which we use this information

We only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where:

- We have obtained consent of the data subject (Article 6 (1)(a))
- It is necessary for the performance of a contract with the data subject or to take steps to enter into a contract (Article 6 (1)(b))
- We need to comply with a legal obligation (Article 6 (1)(c))
- It is necessary to protect the vital interests (life) of a data subject or another person (Article 6 (1)(d))
- We need it to perform an official task in the public interest or in the exercise of official authority vested in the controller (Article 6 (1)(e))
- It is necessary for legitimate interests of the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject (not available to processing carried out by public authorities in the performance of their tasks) (Article 6 (1)(f))

We rely on different conditions for the lawful processing of sensitive personal data for different things:

- We have obtained explicit consent to use it in a certain way, unless prohibited by law (Article 9 (2)(a))
- To process the sensitive personal data of our students in respect of child protection and multi-agency safeguarding work (Article 9(2)(b))
- To use their health information to protect them at school (Article 9(2)(b))
- To report on their health to PHE or the HSE as required (Article 9(2)(i))
- To retain accident and ill-health information in case of a claim for compensation (Article 9(2)(f))

Where we have obtained consent to use students' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using students' personal data overlap, and there may be several grounds which justify our use of this data.

Collecting student information

We collect student information via registration forms at the start of the school year or Common Transfer File (CTF) or secure file transfer from previous school.

Student data is essential for the schools' operational use. Whilst the majority of student information you provide to us is mandatory, some of it 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 student information to us or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

Storing student data

We keep personal information about students while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. The

Information and Records Management Society's (IRMS) Toolkit for schools sets out how long we keep information about students.

Who we share student information with

We do not share information about students with any third party without consent unless the law and our policies allow us to do so. We share students' 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 Students) (England) Regulations 2013.

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

- Other schools
- Local authorities – to meet our obligations to share certain information such as safeguarding concerns and exclusions
- The Department for Education (DfE)
- The students family and representatives
- Educators and examining bodies
- Our regulator - Ofsted
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Financial organisations
- Central and local government
- Our auditors
- Survey and research organisations
- Health authorities
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Professional bodies
- Youth support services (students aged 13+)

Why we regularly 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.

Youth support services

Students aged 13+

Once our 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 object to any information in addition to their child's name, address and date of birth being passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / student once he/she reaches the age 16.

Data is securely transferred to the youth support service via email and hard copy and is stored securely and held in accordance with the guidelines in the Information and Records Management Society's (IRMS) Toolkit for schools.

Students aged 16+

We will also share certain information about students 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 child / pupil 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.

Data is securely transferred to the youth support service via email and hard copy and is stored securely and held in accordance with the guidelines in the Information and Records Management Society's (IRMS) Toolkit for schools.

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 about our students with the Department for Education (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 DfE under a combination of software and hardware controls, which meet the current [government security policy framework](#).

How Government uses your data

The pupil 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)

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)

Much of the data about pupils 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, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

Sharing by the Department

The law allows the Department to share pupils’ 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 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 DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

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

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

Under GDPR, parents and students have the right to request access to information about them that we hold.

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Depending on the lawful basis above, you may 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
- 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, 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/>

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

Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting our **Data Protection Officer**.

Last updated

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on **3rd February 2020**

Contact

If you would like to discuss anything in this privacy notice, please contact our **Data Protection Officer**:

Mrs Jo Hamer
Dallam School
Milnthorpe
LA7 7DD
Tel: 015395 65165