

## Privacy Notice

(How we use pupil – including Looked After Children and Children in Need – and parent information)



## Policy Review Schedule

<b>Policy</b>	OLT Privacy Notice (Pupils/LAC/Parents)
<b>Review schedule</b>	Every 2 years (or when legislative change takes place)
<b>Statutory Policy</b>	Yes
<b>Policy owner</b>	COO
<b>Lead Reviewer</b>	COO (external review needed if change in legislation)
<b>Approver and date of last approval</b>	CEO, 27 <sup>th</sup> June 2024
<b>Key review dates</b>	<b>Changes made</b>
April 2018	Written
April 2021	Added reference to UK GDPR legislation
Reviewed September 2022	New model document issued by DfE
Reviewed June 2024	Reference to KCSIE requirement for web filtering and monitoring added
Next review: June 2026	

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

Under the UK General Data Protection Regulation (UK GDPR), the legal bases we rely on for processing personal information are:

In addition to this, under Article 6(1)(e) UK GDPR Regulations 2020: “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”, 6(1)(c) Processing is necessary for compliance with a legal obligation, Article 9 (2) - processing special category data where the data subject has given explicit consent to the processing of those personal data for one or more specified purposes 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’. The lawful basis for processing is a public task duty for the safeguarding of children.

We use pupil data:

- To support pupil learning.
- To monitor and report on pupil attainment progress.
- To provide appropriate pastoral care.
- To assess the quality of our services.
- To keep children safe.
- To monitor all internet activity (on site) undertaken on Trust issued IT equipment (including chrome books, laptops and iPads). This is to ensure compliance with DfE requirements with regards to filtering and monitoring guidance from the DfE (KCSIE).
- To comply with the law regarding data sharing and to meet the statutory duties placed on us for the Department for Education (DfE) data collections.
- 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, date of birth, unique pupil number and address).
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility).
- Safeguarding information (including court orders and professional involvement) – for pupils.
- Web usage (on Trust IT devices) to ensure compliance with KCSIE.
- Attendance information (such as sessions attended, number of absences and absence reasons) – for pupils.
- Relevant medical information including next of kin (allergies, medication and dietary requirements).
- Special educational needs information for pupils (including the needs and ranking).
- Exclusions/behavioural information for pupils (including any relevant alternative provision put in place) – for pupils.
- Assessment and attainment (such as SATs and Phonics results) – 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 UK GDPR, 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. This is available on the Trust website.

### **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 Omnia 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. This applies to all pupils on roll.

We share CIN/LAC 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 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 data is transferred securely and held by the Department for Education (DfE) under a combination of software and hardware controls which meet current government security policy frameworks.

### **Data collection requirements:**

The data that we lawfully share with the Department for Education (DfE) through data collections helps to:

- Develop national policies.
- Manage local authority performance.

- Administer and allocate funding.
- Identify and encourage good practice.

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)**

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 (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-user-guide-and-supporting-information>

The law allows the Department for Education (DfE) 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 Home Office and the Police please visit the following website:

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

### **Requesting access to your personal data – held by the school**

Under data protection legislation, parents, carers and children 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:

- To ask us for access to information about you that we hold.
- To have your personal data rectified, if it is inaccurate or incomplete.
- To request the deletion or removal of personal data where there is no compelling reason for its continued processing.
- To restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- To object to direct marketing (including profiling) and processing for purposes of scientific/historical research and statistics.
- Not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you.

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/>

#### **Requesting access to personal data – held by the DfE**

Under the terms of the Data Protection Act 2018, you're 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 that is published at the address below:

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

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

#### **Withdrawal of consent**

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

#### **Contact:**

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

- Beth Gorsuch, Data Protection Officer, [admin@omnialearningtrust.org](mailto:admin@omnialearningtrust.org)