



# THE DWASTRE

## Education Trust

### Privacy Notice: Information Common to All (including Parental and Governor Personal Data)

May 2023

#### Privacy Notice (Common to All)

##### The legal grounds for using your information

We must make sure that information we collect and use about you is in line with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act. This means that we must have a lawful reason to collect the data, and that if we share that with another organisation or individual, we must have a legal basis to do so.

The lawful basis for schools to collect information comes from a variety of sources, such as the Education Act 1996, Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013, Article 6 and Article 9 of the UK GDPR.

The Department for Education and Local Authorities require us to collect certain information and report back to them. This is called a 'public task' and is recognised in law as it is necessary to provide the information.

We also have obligations to collect data about children who are at risk of suffering harm, and to share that with other agencies who have a responsibility to safeguard children, such as the police and social care.

We also share information about pupils who may need or have an Education Health and Care Plan (or Statement of Special Educational Needs). Medical teams have access to some information about pupils, either by agreement or because the law says we must share that information, for example school nurses may visit the school.

Counselling services, careers services, occupational therapists are the type of people we will share information, so long as we have consent or are required by law to do so.

We must keep up to date information about parents and carers for emergency contacts.

This is common for all personal and sensitive data we collect and process about staff, volunteers, pupils, parents, carers and any other individuals.

Some data is more sensitive than other types of data. These special categories are as follows: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union

membership, genetic information, biometric information, health information, and information about sex life or orientation.

## **Consent**

Where necessary, the school will ask for consent to process data about you or a pupil. The type of data that is to be used, and how it is to be used will be specified on the consent forms.

You have the choice to opt in for certain types of data usage, and this is made clear. However, some data that is collected and processed in schools is not optional.

## **Legitimate interests**

This means that the processing is necessary for legitimate interests except where the processing is unfair to you. The school relies on legitimate interests for many of the ways in which it uses information.

Specifically, the school has a legitimate interest in:

- providing educational services to pupils;
- safeguarding and promoting the welfare of pupils and staff;
- promoting the objects and interests of the school;
- ensuring the efficient operation of the school;
- compliance with all relevant legal obligations of the school;
- keeping the whole school community informed about events, news and activities.

## **Necessary for a contract**

Information about individuals may be necessary to perform our obligations under our contracts, eg maintaining the school Management Information System database.

## **Legal obligation**

Much of school life is governed by legal obligations to supply information to organisations such as the Department for Education or Local Authority or HMRC. We may also have to disclose information to third parties such as the courts, Disclosure and Barring Service or the police where legally obliged to do so.

## **Vital interests**

This would include situations where we need to prevent someone from being seriously harmed or killed.

## **Public interest**

The school considers that it is acting in the public interest when providing education. Certain regulations, DfE and Local Authority, health and other guidance may require the school to process data in the public interest.

## **Legal claims:**

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers.

## **Your rights**

### **What decisions can you make about your information?**

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 the school office or the Trust's Data Protection Officer.

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 the 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, we request that you 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 Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

## 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 25 May 2023.

## Contact

If you would like to discuss anything in this privacy notice, please contact the school office, or the Trust's Protection Officer who can be contacted at SMB Services 01206 671103 or [www.sbmservices.co.uk](http://www.sbmservices.co.uk).

## More information about Data Protection and our Policies

How we manage the data and our responsibilities to look after and share data is explained in our Data Protection policy and connected policies which are also available on our website.

## How Government uses your data

The pupil data that we lawfully share with the Department for Education (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 key stage 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 (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>

## Sharing by the Department for Education (DfE)

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>

## **How to find out what personal information the Department for Education (DfE) holds about you**

Under the terms of the Data Protection Act 2018, you are 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 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 Department for Education (DfE): <https://www.gov.uk/contact-dfe>