

SOUTH DARLEY C.E.
PRIMARY SCHOOL



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SOUTH DARLEY C of E PRIMARY SCHOOL

PRIVACY STATEMENT FOR PUPIL RECORDS - GENERAL DATA PROTECTION REGULATIONS

Person/Committee responsible for reviewing/updating this plan	Headteacher
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Date of Review	Governors Meeting Reference Number	Approved by name	Comments

Privacy Notice

(How we use pupil information)

Under General Data Protection Rules, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about pupils and information about parents/carers where applicable.

We, South Darley CE Primary School, Cross Green, Matlock, DE4 2JT, are the 'data controller' for the purposes of data protection law.

Our Data Protection Office is Mr Richard Sanderson, who is a Foundation Governor at South Darley CE Primary School. Mr Sanderson can be contacted via the School Business Assistant in the school office.

The categories of pupil information that we process include:

- personal identifiers and contacts for pupils (such as name, unique pupil number, contact details and address and including parental information such as name, address, contact details and NI numbers)
- characteristics (such as ethnicity, language and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- Details of any support received, including care packages, plans and support providers
- medical conditions and administration (such as doctors information, child health including physical and mental health, dental health, allergies, medication and dietary requirements)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- assessment and attainment (such as key stage 1 and phonics results)
- behavioural information (such as exclusions and any relevant alternative provision put in place)
- Photographs of children (both as individuals and in group settings)
- Payment information relating to items purchased such as school meals, uniform, morning clubs, school trips and other similar items.

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities, other government agencies (such as Social Services or Police) and the Department of Education.

This list is not exhaustive - to access the current list of categories of information we process please ask to view our data asset register held in the school office.

Why we collect and use pupil information

We collect and use pupil information, for the following purposes:

- a) to support pupil learning
- b) to monitor and report on pupil attendance and progress
- c) to provide appropriate pastoral care
- d) to protect pupil welfare
- e) to administer admissions waiting lists
- f) to assess the quality of our services
- g) to allocate the correct teaching resources
- h) to provide any additional support an individual or group may need
- i) to keep children safe (including food allergies)
- j) to meet the statutory duties placed upon us for DfE data collections

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing pupil information are:

- for the purposes of (a), (b), (c), (d), (e), (f), (g) and (h) in accordance with the legal basis of Public Task: collecting the data is necessary to perform tasks that South Darley CE Primary School is required to perform as part of its statutory function
- for the purpose of (i) in accordance with the legal basis of Vital Interests: to keep children safe (food allergies or medical conditions)
- for the purposes of (j) in accordance with the legal basis of Legal Obligation: data collected for DfE census information including
 - Section 537A of the Education Act 1996
 - The Education Act 1996 S29(3)
 - The Education (Schools Performance Information) (England) Regulations 2007
 - Regulations 5 and 8 School Information (England) Regulations 2008
 - The Education (Pupil Registration) (England) (Amendment) Regulations 2013

We may also process pupil's personal data in situations where:

- We have obtained consent to use the data in a specified way
- We need to protect the individual's (or someone else's) vital interests

Where we have obtained consent to use pupils' 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.

In addition, concerning any special category data:

- Conditions as listed in Article 9 of the GDPR: specifically, for substantial public interest on a legal basis.

South Darley CE Primary School does process some sensitive information about children that is not set out in the legislation as a 'special category personal data'. Notably information about children's services interactions, free school meal status, pupil premium eligibility, elements of special educational need information, safeguarding information and some behaviour data.

When considering the security and business processes about such data, South Darley CE Primary School has decided to give them the same 'high status' as the special categories set out in law.

How we collect pupil information

Pupil data is essential for the schools' operational use. Whilst the majority of pupil 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 pupil information to us or if you have a choice in this.

We collect pupil information through:

- Student Update Forms issued once per year
- Medical forms
- Consent/Trip forms
- Common Transfer Files (CTF's) from other schools
- Child Protection Plans
- Schools Admission Forms for reception aged children

How we store pupil data

We hold pupil data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please ask to see the relevant school policies and data retention schedule held in the school office.

Who we share pupil information with

We do not share pupil's data with any third party without consent unless the law and our policies allow us to do so.

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

- Schools that the pupils attend after leaving us
- Our local authority
- Youth support services (pupils aged 13+)

- The Department for Education (DfE)
- The pupils family or representatives
- Educators and examining bodies
- Our regulator (e.g. Ofsted)
- Suppliers and service providers
- Central and Local Government
- National Health Service (School Health Team)
- Social Care or Multi Agency Teams
- Professional advisors and consultants
- Police, courts and tribunals only as required.

Why we regularly 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. Some of our data is shared outside of our school, most frequently with the local authority to support their legal and business needs and the Department of Education (DfE) due to legal obligations and data collection requirements. This data is required under legislation and meets the collection requirement under GDPR 'legal obligation' as to why we collect and share this data. Most other data that South Darley CE Primary School needs to collect falls under the lawful basis of 'public task'.

South Darley CE Primary School shares personal data:

- in an encrypted format
- via secure government websites
- via a secure local government document transfer system
- Where there is a data sharing agreement in place and that data is transferred in a secure or encrypted manner
- By post

How the Government uses personal data

The Department of Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. Each data collection or census guide contains the legislation detailing the lawful basis for collection. Please visit <https://www.gov.uk/education/data-collection-and-censuses-for-schools> for further information.

This data is used for many purposes, with some of the main functions being:

- school and local authority funding, which is calculated based upon the numbers of children and their characteristics in each setting
- informing 'short term' education policy monitoring and school accountability and intervention (e.g. pupil progress measures)

- supporting 'longer term' research and monitoring of educational policy

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 pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under:

- section 3 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](#).

National Pupil Database (NPD)

Much of the data about pupils in England is held by the Department of Education (DfE) in the National Pupil Database, which is owned and managed by the DfE and provides evidence on school performance to inform research. It is stored electronically so that it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The DfE may share information from the NPD with other organisations which promote children's education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use that data.

Sharing by the DfE

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 the data shared with the 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

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. This is called a 'Subject Access Request'.

If you make a subject access request, and if we do hold information about you or your child, we will:

- give you a description of it
- tell you why we are holding and processing it, and how long we will keep it for
- explain where we got it from, if not from you or your child
- tell you who it has been, or will be, shared with
- let you know whether any automated decision-making is being applied to the data and any consequences of this
- give you a copy of the information in an intelligible form
- individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances

To make a request for your personal information, or be given access to your child's educational record, contact the School Business Assistant in the school office who will provide you with information on how to make a 'Subject Access Request'. 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.

Under data protection law, 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
- a right to seek redress, either through the Information Commissioners Office (ICO), or through the courts

Complaints

We take any complaints about our collection and use of personal information very seriously.

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance. You can also contact the ICO directly at <https://ico.org.uk/concerns/>.

Contact

If you would like to discuss anything in this privacy notice, please contact the School Business Assistant (who can also put you in touch with our Data Protection Officer) or the Headteacher.