



# **The Crossley Heath School**

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# **The Crossley Heath School Academy Trust Privacy Notice (How we use pupil information)**

We, The Crossley Heath School Academy Trust, are the Data Controller for the purposes of the General Data Protection Regulation (GDPR) and Data Protection Act 2018. The purpose of this document is to inform you of how we process student data within our control.

The categories of pupil information that we process include:

- Personal identifiers and contacts (such as name, unique pupil number, contact details and address) characteristics (such as ethnicity, language, and free school meal eligibility)
- Safeguarding information (such as court orders and professional involvement)
- Special and Additional educational needs (including the needs and ranking)
- Medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- Attendance (such as sessions attended, number of absences and absence reasons)
- Assessment and attainment (such as key stage 2 and 3 results, post 16 courses enrolled for and any relevant results)
- Behavioural information (such as exclusions and any relevant alternative provision put in place)
- Trips and activities (dietary needs, medical needs and history and in some cases for overseas trips - passport numbers, birth certificates and divorce and marriage certificates for visas)
- Catering (free school meal entitlement and purchase history)
- ID Management (photographs and names for identification badges)
- Biometric information (cashless catering and door entry)
- CCTV footage (safety and security)

This list is not exhaustive, to access the current list of categories of information we process please contact the Data Protection Officer at the school.

## **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 attainment progress
- c) To provide appropriate pastoral care
- d) To assess the quality of our services
- e) To keep children safe (food allergies, or emergency contact details)
- f) To meet the statutory duties placed upon us for DfE data collections
- g) To facilitate school trips and activities
- h) To provide counselling services as required
- i) To safeguard pupils

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

**Legal Obligation: Article 6(1)(c) of the GDPR for any statutory processing which is necessary for compliance with a legal obligation to which the we are subject. This relates to tasks (e) (f) and (g) and includes the following statutory guidance:**

The Crossley Heath School Academy Trust has the legal right to collect and use personal data relating to pupils and their families, and it may also receive information regarding them from their previous school, Local Authority (LA) and/or the Department for Education (DfE). The school will collect and use personal data in order to meet legal requirements and legitimate interests set out not only in the UK data protection requirements but also:

- Section 537A of the Education Act 1996
- The Education Act 1996 S29(3)
- The Education (School Performance Information) (England) Regulations 2007
- Regulations 5 and 8 School Information (England) Regulations 2008
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013
- Education and Skills Act 2008
- DfE Keeping Children Safe in Education Guidance 2016
- DfE Working Together to Safeguard Children (2015)
- The Management of Health & Safety at Work Regulations 1999
- Regulatory Reform (Fire Safety) Order 2005 England and Wales
- Health and Safety at Work Act 1974
- The Disability Discrimination Act 1995

**‘Public Task’: Public interest or in the exercise of an official authority vested in us Article 6(1)(e) of the GDPR.** This relates to tasks (a) (b) (c) (g) and (h). This includes any process which is for necessary for the exercise of a task we have termed our ‘Statement of Public Task’, which is based on The curriculum requirements of section 78 of the Education Act 2002:

Statement of Public Task: "To deliver a balanced and broadly based curriculum which - promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and society, and prepares pupils for the opportunities, responsibilities and experiences of later life. This includes school trips and activities; and where appropriate counselling services". In addition, concerning any special category data we use Article 9(2)(g) of the GDPR and Schedule 1 Part 2 of the Data Protection Act 2018 in relation to statutory and government purposes, equality or opportunity of treatment and counselling.

**Vital Interests: Article 6(1)(d) of the GDPR.** Where the vital interests of a child are at risk we will use Vital Interests as a lawful basis. This relates to task (i). Where a vital interest is protected we will use Article 9(2)(c); and Article 9(2) (h) and (i) for the purposes of a medical diagnosis or reasons of public health.

**If we need to seek consent, we will obtain this under Article 6(1)(a) Consent and section 9(2)(a) Explicit Consent for Special Category Data.**

## **How we collect pupil information**

We collect pupil information via:

- Data Collection Sheet at the start of each academic year
- Common Transfer Form (C2F) which is a secure file containing relevant information sent to us from the child's previous school.

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.

## **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 see our Compliant Records Management Policy and Data Protection Policy on the website.

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

We routinely share pupil information with:

- Schools that the pupils attend after leaving us
- Our local authority
- Youth support services (pupils aged 13+)
- The Department for Education (DfE)
- NHS

Appendix 1 provides a guide to parents/carers about our legal obligations and the reasons for sharing data.

## **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.

## **Youth support services - Pupils aged 13+**

Once our pupils reach the age of 13, we also pass pupil 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

The information shared is limited to the child's name, address and date of birth. However, where a parent or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the child / pupil once they reach the age 16

## **Pupils aged 16+**

We will also share certain information about pupils 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

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

- Section 537A of the Education Act 1998
- The Education Act 1996 S29(3)
- The Education (School Performance Information) (England) Regulations 2007
- Regulations 5 and 8 of School Information (England) Regulations 2008
- 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. For more information, please see 'How Government uses your data' section.

### **Requesting access to your personal data**

Individuals have a right to make a 'Subject Access Request' to gain access to personal information that the school holds about them. Parents/carers can make a request with respect to their child's data. Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and if the school does hold information about you or your child, the school will:

- Give you a description of it
- Tell you why the school is holding and processing it, and how long it will be kept for
- explain where the school got it from, if not from you
- 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 Data Protection Officer: Mr Jonathan Lees, [dpo@crossleyheath.org.uk](mailto:dpo@crossleyheath.org.uk), telephone: 01422 360272

### **Other rights regarding personal data**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to

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 ICO, or through the courts

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 or directly to 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: The Data Protection Officer: Mr Jonathan Lees, [dpo@crossleyheath.org.uk](mailto:dpo@crossleyheath.org.uk), telephone: 01422 360272

## 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-censusesfor-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-pupildatabase-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/df-external-data-shares>

To contact DfE: <https://www.gov.uk/contact-dfe>



## Appendix 1

A guide to parents/carers about our legal obligations and the reasons for sharing data:

Organisation with whom we share data	How we share the data	What data might we share?	Does the organisation share the data beyond its own establishments?	Is the organisation GDPR compliant	Why do we share the data?	Do you give your consent (Yes or No)
Schools that the pupils attend after leaving us	Securely through SIMS* Hand delivered sensitive information Email (Encrypted)	Pupil Details Parent Details Pupil Assessment Information Safeguarding records Pupils' School Record	Yes (with the DfE)	Yes (they should be)	Statutory responsibilities	Statutory requirement Consent not required
Our local authority	Secure Transfer (SIMS*) Telephone Calls Email (Encrypted) Letters Meetings	Parent Details Pupil Assessment Information Pupil well-being information	Yes (with the DfE)	Yes	To safeguard pupils To meet our statutory assessment responsibilities Required by the DfE	Statutory requirement Consent not required
The Department for Education (DfE)	Email (Encrypted) Letters Meetings Secure Access (DfE online area)	Pupil Details Parent Details Pupil Assessment Information Attendance Data	Yes (with other government departments)	Yes	To meet our statutory assessment responsibilities To enable the running of the school	Statutory requirement Consent not required

					Because the government demands this To ensure that the school receives funding	
NHS	Letters Email Meetings Telephone calls	Pupil Details (personal and medical) Parent Details	Yes Medical Services	Yes	To ensure pupils' health and well-being	Statutory requirement Consent not required