

# Pupil Privacy Notice

**History of document: To be reviewed annually and re-approved every two years.**

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## Contents

|   |    |
|---|----|
| 1. Introduction .....                                   | 3  |
| 2. The personal data we hold.....                       | 3  |
| 3. Why we collect and use this information .....        | 3  |
| 4. The lawful basis on which we process this data ..... | 4  |
| 5. Collecting pupil information .....                   | 6  |
| 6. Storing pupil data.....                              | 6  |
| 7. Who we share pupil information with .....            | 6  |
| 8. Why we share pupil information .....                 | 7  |
| 9. The National Pupil Database (NPD) .....              | 7  |
| 10. Data collection requirements: .....                 | 8  |
| 11. Youth support services.....                         | 8  |
| 12. Transferring data internationally .....             | 9  |
| Your rights.....  | 9  |
| 13. ....  | 9  |
| 13.1. Requesting access to your personal data .....     | 9  |
| 13.2. Other rights.....                                 | 10 |
| 14. Complaints .....                                    | 10 |
| 15. Contact.....  | 10 |

## 1. Introduction

Under data protection law, individuals have a right to be informed about how the Trust uses any personal information that we hold about them. This Privacy Notice sets out how the Trust collects, stores, and uses information that you give Yorkshire Causeway Schools Trust (YCST).

YCST is committed to ensuring that your privacy is protected. Should we ask you to provide certain information by which you can be identified, then you can be assured that it will only be used in accordance with this Privacy Notice.

YCST is the ‘data controller’ as defined by Article 4 (7) of the UK GDPR. This means we determine the purposes for which, and the manner in which, your personal data is processed. We have a responsibility to you and your personal data and will only collect and use this in ways which are compliant with data protection legislation.

Our data protection officer (DPO) is Jane Goodwin. *(Please see ‘Contact’ at the end of this policy)*

## 2. The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

- personal information (such as name, unique pupil number, gender, parent/guardian details, address, date of birth, emergency contact details, medical information)
- characteristics (such as ethnicity, language, nationality, country of birth, religion, free school meal eligibility)
- attendance information (such as sessions attended, number of absences and absence reasons)
- other relevant information (such as test results, special educational needs information, medical information, assessment information, exclusion/behaviour information, post-16 learning information)
- photographs and videos (such as professional school photos and school play videos)
- CCTV images captured in school.

We may also hold data about pupils that we have received from other organisations, such as other schools, local authorities and the Department for Education (DfE).

## 3. Why we collect and use this information

We use the information we collect and hold to:

- support pupils’ teaching and learning
- safeguard all pupils in our care
- provide appropriate pastoral care

- monitor and report on pupil progress
- comply with law regarding data sharing
- publish examination results
- administer admissions waiting lists
- assess the quality of our services
- assess how individual schools, and the Trust as a whole, is performing
- communicate with former pupils
- monitor pupils' official Email communications and internet use etc. for the purpose of ensuring compliance with the Trust's ICT Acceptable Use Policy
- where appropriate, promote the Trust to prospective pupils.

#### 4. The lawful basis on which we process this data

We only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where we need to comply with a legal obligation or where we need it to perform an official task in the public interest (such as providing education).

Any personal data that we process about our pupils and parents is done so in accordance with Article 6 and Article 9 of the UK GDPR.

Our legal basis for processing your personal data, in line with Article 6(1)(c) (legal obligation) includes (but not limited to):

- Education Act 1944, 1996, 2002, 2011
- Education and Adoption Act 2016
- Education (Information About Individual Pupils) (England) Regulations 2013
- Education (Pupil Information) (England) Regulations 2005
- Education and Skills Act 2008
- Children Act 1989, 2004
- Children and Families Act 2014
- Equality Act 2010
- Education (Special Educational Needs) Regulations 2001

We also process information in accordance with Article 6(e) (public task), Article 6(a) (consent), Article 9(2)(a) (explicit consent where applicable) and Article 9(2)(g) (reasons of substantial public interest).

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.

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

For 'special category' data, we only collect and use it when we have both a lawful basis and one of the following conditions for processing as set out in data protection law:

- we have obtained your explicit consent to use your personal data in a certain way
- we need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- we need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
- the data concerned has already been made manifestly public by you
- we need to process it for the establishment, exercise or defence of legal claims
- we need to process it for reasons of substantial public interest as defined in legislation
- we need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- we need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- we need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest
- for criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in data protection law. Conditions include:
  - we have obtained your consent to use it in a specific way
  - we need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent
  - the data concerned has already been made manifestly public by you
  - we need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
  - we need to process it for reasons of substantial public interest as defined in legislation

## 5. Collecting pupil information

Whilst the majority of pupil information we collect about pupils is mandatory, some of it is provided to us on a voluntary basis. In order to comply with General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

We do not currently process any personal data through automated decision-making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

We mainly collect pupil information through admission forms and common transfer file or secure transfer file from previous schools, however we may also hold data about you from:

- Local Authorities
- Department for Education (DfE)
- Police forces, courts, tribunals

## 6. Storing pupil data

We keep personal information about pupils while they are attending a Trust school. We may also keep it beyond their attendance at a Trust school if this is necessary in order to comply with our legal obligations. Our Trust Records Management Policy and School Records Retention Schedule set out how long we keep information about pupils. A copy of these are available from Trust schools on request.

## 7. Who we share pupil information with

We do not share information about pupils with any third party without consent unless the law and this policy allows us to do so.

Where it is legally required, or necessary (and it complies with data protection law), we may share personal information about pupils with the following organisations subject, where appropriate, to receiving assurances regarding their own data protection procedures and protocols and that it is used only for the specific purpose intended:

- local authorities (to meet our legal obligations to share certain information with it)
- the Department for Education
- the pupil's family and representatives
- educators and examining bodies
- our regulators (e.g. Ofsted)
- suppliers and service providers

- financial organisations
- central and local government
- our auditors
- survey and research organisations
- health authorities and health and social welfare organisations
- professional bodies including advisers and consultants
- police forces, courts, tribunals.

#### 8. Why we share pupil information

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 the (DfE) under regulation 5 of the Education (Information About Individual Pupils) (England) Regulations 2013.

Third Party data processors are subject to strict due diligence and assurances on information security and data protection compliance. Chosen providers are used solely to support the educational goals of the Trust and/or to provide electronic processing of routine administrative tasks and not for marketing purposes.

#### 9. 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.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The DfE may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics

- providing information, advice or guidance.

The DfE has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data.

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the DfE's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the DfE has provided pupil information to, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

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

#### 10. 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>.

#### 11. Youth support services

##### **For secondary settings only:**

##### **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.

A parent or guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once he/she reaches 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.

## 12. Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area (or the UK post-Brexit), we will do so strictly in accordance with data protection law.

## 13. Your rights

### 13.1. Requesting access to your personal data

Individuals have a right to make a '**subject access request**' to gain access to personal information held about them.

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.

Parents also have a right to make a subject access request with respect to any personal data held about them.

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.

If you would like to make a request please contact the Headteacher or School Business Manager in the first instance.

### 13.2. Other rights

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
- claim compensation for damages caused by a breach of the Data Protection regulations

### 14. Complaints

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

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any concern about our data processing, please raise this with us in the first instance.

To make a complaint, please refer to the Trust Complaints Policy available on the Trust and school website.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- report a concern online at <https://ico.org.uk/concerns/>
- call 0303 123 1113
- write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

### 15. Contact

If you would like to discuss anything in this privacy notice, in the first instance please contact the Headteacher or School Business Manager.

The Data Protection Officer for Yorkshire Causeway Schools Trust is:

Jane Goodwin, Chief Operating Officer  
C/O St. Aidan's Church of England High School, Oatlands Dr, Harrogate HG2 8JR  
Email: [j.goodwin@yorkshirecauseway.co.uk](mailto:j.goodwin@yorkshirecauseway.co.uk)