**Kingsway Primary & Nursery School**

**Privacy Notice ~ How we use pupil information**

We collect and use pupil information under the Education Act 1996. The EU general data protection regulation 2016/679 (GDPR) will take effect in May 25 2018 including Article 6 ‘lawfulness of processing’ and Article 9 ‘Processing of special categories of personal data’.

**The categories of pupil information that we collect, hold and share include:**

• Personal information (such as name, date of birth, contact details, unique pupil number and address)

• Any relevant medical information

• Special educational needs

• Exclusions and behavioural information

• Assessment information

• Safeguarding information

• Photographs

• Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)

• Attendance information (such as sessions attended, number of absences and absence reasons) We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

**The lawful basis on which we use this information**

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

• We need it to perform an official task in the public interest Less commonly, we may also process pupils’ personal data in situations where:

• We have obtained consent to use it in a certain way

• We need to protect the individual’s vital interests (or someone else’s interests) Where we have obtained consent to use pupils’ personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn. 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.

We collect and use pupil information for: a) general educational purposes under Article 6 of the GDPR to:

• to support pupil learning

• to monitor and report on pupil progress

• to protect pupil welfare

• to provide appropriate pastoral care

• to assess the quality of our services

• to comply with the law regarding data sharing b) For special category data under Article 9 of the GDPR e.g. (Departmental Censuses) under the Education Act 1996

**Collecting pupil information**

Pupil data is essential for the schools’ operational use. Whilst the majority of pupil information that parents and carers provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the 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.

**Storing pupil data**

We keep personal information about pupils while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. Our Data Protection Policy sets out how long we keep information about pupils.

**Who we share pupil information with**

We do not share information about pupils 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 personal information about pupils with:

• schools that the pupil’s attend after leaving us

• our local authority

• the Department for Education (DfE)

• the pupil’s family and representatives

• educators and examining bodies

• Suppliers and service providers - to enable them to provide the service we have contracted them for

• our auditors

• our regulator (OFSTED)

• health authorities

• professional advisers and consultants

• police forces, courts tribunals

• professional bodies

**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 and achievement policy as well as monitoring. We are required to pass information about our pupils to the Department for Education (DfE) under regulation 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. For more information, please see ‘How Government uses your data’ section.

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

• 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

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

The Department 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 department’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 department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

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

Requesting access to pupil personal data Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. They 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 To make a request for pupil personal information, or be given access to your child’s educational record, contact the school office.

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 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. Alternatively, you can contact the Information Commissioner’s Office at https://ico.org.uk/concerns/ Contact

If you would like to discuss anything in this privacy notice, or make a subject access request please contact:

Email: kingsway.admin@trafford.gov.uk

Telephone: 0161 748 1867