

Privacy Notice: how we use pupil and parent/carer information

The purpose of this notice is to give pupils and their parent(s)/carer(s) information on how personal data is used in our educational settings.

Data controller and processors

Each academy within the Bourne Education Trust (BET) is the Data Controller for the purposes of data protection law, determining the purposes for which personal data is used (processed). Authorised third parties process the data on behalf of the academies and are therefore data processors.

The categories of personal data that we collect, hold and share include:

- Personal information (such as name, unique pupil number and address and contact details of parents/carers)
- 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)
- Assessment and attainment information
- Special educational needs information
- Relevant medical information
- Exclusions/behavioural information
- Safeguarding information
- Post 16 learning and vocational information (where relevant)
- Other, including photographs, CCTV images captured on academies, biometric data (in certain academies)

Why we collect and use this information

We collect and use this data under legal and statutory obligations within the Education Act 1996; The Children Act 2004; Education and Inspections Act 2006; Education Act 2011; the Children and Families Act 2014.

We use pupil data:

- To support pupil learning
- To monitor and report on pupil progress
- To provide appropriate pastoral care
- To assess the quality of our services
- To comply with the law regarding data sharing
- To safeguard pupils
- To provide academic, examination and career references for pupils and staff
- To fulfil the Academy's and the Trust's contractual and other legal obligations
- To administer admissions waiting lists
- To contact pupils and parents/carers when we need to.

The lawful basis on which we use this information

We collect and use (process) pupil information where:

- We need to comply with a legal obligation
- We need to perform an official task in the public interest – for example to provide a pupil with an education.

We may also use a pupil's or parent/carer's information where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's health interests (or someone else's interest).

The legal basis for processing personal data under UK GDPR and Data Protection Act 2018 will be one of the following:

- Article 6(1)c: processing is necessary for compliance with a legal obligation to which the controller is subject, or
- Article 6(1)e: processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The legal basis for processing special categories of data under UK GDPR and Data Protection Act 2018 will be one of the following:

- Article 9(2)g: processing is necessary for reasons of substantial public interest on the basis of Union or Member State law
- Article 9(2)h: processing is necessary for the provision of health or social care systems and services on the basis of Union or Member State law.

Where we have obtained consent to use a pupil's or parent/carer's personal data, the consent can be withdrawn at any time. We will make this clear when we ask for consent and explain how consent can be withdrawn.

Collecting pupil information

We collect pupil information via registration forms when your child joins the school, and via a Common Transfer File (CTF) or secure file transfer from the previous school.

Whilst the majority of pupil information you 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 hold pupil data securely for the periods of time recommended in the Information and Records Management Society (IRMS) Schools Toolkit: [IRMS Schools Toolkit](#), or as stated in our Data Retention Policy if different.

Who we share pupil information with includes:

- Schools and colleges that pupils attend after leaving us
- Our local authority, including the Education Welfare Officer
- The Department for Education (DfE)
- Agencies such as the Standards and Testing Agency, Ofsted, the Department of Health and Social Care, the Police and Social Services
- Youth support services (pupils aged 13+)
- The Bourne Education Trust
- The National Health Service (for routine health checks and vaccinations undertaken in schools)
- Educational software providers for services to enhance the curriculum.

These bodies act as data controllers in respect of the data they receive, and are subject to the same legal constraints in how they deal with the 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 pupil 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.

Pupil Referral Units are required to pass information about pupils to the Department for Education (DfE) under regulation 4 of The Education (Information About Individual Pupils) (England) Regulations 2013.

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>.

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 carer 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 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 the local authority website: [Surrey County Council Schools and Learning](#).

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 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:

- Conducting research or analysis
- Producing statistics
- Providing information, advice or guidance.

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

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

Requesting access to your personal data

Under data protection legislation, parent(s)/carer(s) and pupils have the right to request access to the information about them that we hold. To make a request for your personal information, contact the Headteacher of your child's school, as outlined in the Bourne Education Trust's Data Protection Policy. Where possible, this information will be made available, but as an Academy, it is at the school's discretion whether or not educational records are made available.

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
- A right to seek redress, either through the Information Commissioner's Office (ICO), or through the courts.

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with the school in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

Recording of lessons/meetings

Many devices in use in schools have the ability to produce an audio or video recording, and the use of video conferencing platforms with recording ability is commonplace.

Meetings, such as might occur between members of staff, or between a member of staff and a parent/carers or pupil will not be recorded. Recordings collect personal data, so must comply with Article 5 of GDPR: data collected must be limited to 'what is necessary'. It is normally sufficient to have a note taker minute a meeting if a record is required. Where there is disagreement over the minutes taken, the disagreeing party should annotate a copy of the disputed minutes and both parties should retain a copy of the annotated minutes for reference.

Article 5 also requires that any recording is stored securely, kept only as long as necessary, has limited access and that the recording is processed lawfully, fairly and in a transparent manner. If a meeting recording were to be shared by either party or made public without their consent, this would likely be in breach of GDPR, potentially resulting in a complaint to the Information Commissioner's Office (ICO).

An exception may be made, for example, when a meeting participant's first language is not English, or when recording a meeting is a reasonable adjustment in light of a participant's disability.

Lessons delivered online are routinely recorded using proprietary tools such as Microsoft Teams. Recordings of online lessons are made to safeguard all participants, who are advised of the recording at the start of each session. Individuals refusing permission to be recorded are prevented from participating in that session. Recordings are stored securely within Microsoft Teams and Stream and are only available to participants. Recordings are retained in accordance with the BET Data Retention policy.

Contact

If you would like to discuss anything in this privacy notice, please contact the Headteacher of your child's school in the first instance.

The Bourne Education Trust's Data Protection Team can be contacted by email: dpo@bourne.education

File:	BET Pupil Privacy Notice
Author:	R Isaac
Version:	4
Date drafted:	Sept 2021
Review date:	Sept 2024