

PRIVACY NOTICE

WHO PROCESSES YOUR INFORMATION?

St Michael's Church of England High School is the data controller of the personal information you provide to us. This means the school determines the purposes for which, and the manner in which, any personal data relating to the pupils and their families is to be processed.

In some cases, your data will be outsourced to a third party processor; however, this will only be done with your consent, unless the law requires the school to share your data. Where the school outsources data to a third party processor, the same data protection standards that St Michael's Church of England High School upholds are imposed on the processor.

The data protection officer oversees and monitors the school's data protection procedures, and ensures they are compliant with the GDPR.

THE CATEGORIES OF PUPIL INFORMATION THAT WE COLLECT, HOLD AND SHARE INCLUDE:

- personal information (such as name, date of birth, unique pupil number and address)
- safeguarding concerns
- characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility, INA status – asylum seeker, refugee, economic migrant, looked after child, adopted and SGO children)
- medical information
- attendance information (such as sessions attended, number of absences and absence reasons)
- assessment information relating to academic progress, pupil attainment and educational performance in general
- special educational needs or disabilities information
- behavioural information including exclusions
- information from Early Years providers or Post 16 providers
- parent/carer information (such as name, address, contact details)

WHY WE COLLECT AND USE THIS INFORMATION

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to work with agencies supporting pupil safeguarding
- to assess the quality of our services
- to comply with the law regarding data sharing
- to provide support for pupils with special learning needs or disabilities
- to comply with all statutory data returns to the Department for Education (DfE) and their partner organisations
- to qualify if the child is eligible to funding and to calculate funding
- to provide data to the local authority (LA) as required by statute or by current contracts,

- service level agreements or data sharing agreements with the LA
- to inform the next educational providers and/or employers of relevant pupil performance and contextual information

THE LAWFUL BASIS ON WHICH WE USE THIS INFORMATION

St Michael's Church of England High School holds the legal right to collect and use personal data relating to pupils and their families, and we may receive information regarding them from their previous school, LA and/or the DfE. We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK law. We also use this personal data to derive statistics which inform decisions we make regarding the running of the school, the curriculum, safeguarding and to assess pupil outcomes. The lawful basis is as follows (Article 6):

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- processing is necessary for compliance with a legal obligation to which the controller is subject
- processing is necessary in order to protect the vital interests of the data subject or of another natural person
- 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
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child

And (Article 9)

- processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent

WE COLLECT AND USE PUPIL INFORMATION UNDER RESPONSIBILITIES SET OUT WITHIN:

- Education Act 2002 Section 33
- Education Act 1996
- Children and Families Act 2014 (SEND Reforms)
- Childcare Act 2006
- The Early Years and Foundation Stage Order 2007
- The Education and Skills Act 2008
- The Apprenticeship, Skills, Children and Learning Act 2009
- Equality Act 2010
- Children Act 1989
- Adoption and Children Act 2002
- Children and Young Persons Acts 1963 (Regs 1968)
- Education (Governors Annual Reports – England) (Amendment) Regulations 2002 SI 2002 No 1171
- School Standards and Framework Act 1998 and Academies Act 2010
- Schools Admissions Code Statutory Guidance for admission authorities, governing bodies, local authorities, school adjudicators and admission appeals panels December 2014

- Schools Admission Appeals Code February 2012 Statutory guidance for school leaders, governing bodies and local authorities.
- School attendance: Department advice for maintained schools, academies, independent schools and local authorities November 2016
- DBS Update Service Guide June 2014
- Keeping Children Safe In Education – Statutory Guidance Sept 2016
- ‘Working Together to Safeguard Children’ - A guide to interagency working to safeguard children – March 2015
- An employer’s right to work checks (Home Office May 2015)
- Limitation Act 1980 (section 2)
- Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social security administration Act 1992 Section 8. Limitation Act 1980
- COSHH Regulations 2002. SI 2002 No 2677 Regulation 11: Records kept under the 1994 and 1999 Regulations to be kept as if the 2002 Regulations had not been made. Regulation 18
- Control of asbestos at work regulations 2012 SI 1012 No632 Regulation 19
- The Education (Pupil Information) (England) Regulations 2005 SI 2005 No 1437
- Education Act 1996. Special Educational Needs and Disability Act 2001 Section 1.
- Outdoor Education Advisers Panel National Guidance Section 3 – Legal Framework and Employer Systems and Section 4 – Good Practice

The submission of the school census returns, including a set of named pupil records, is a statutory requirement on schools under Section 537A of the Education Act 1996. This means that schools do not need to obtain parental or pupil consent to the provision of information and ensures schools are protected from any legal challenge that they are breaching a duty of confidence to pupils.

PUPILS AGED 13+:

Once our pupils reach the age of 13, we also pass pupil information to our LA and/or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under the Education and Skills Act 2008 Section 14.

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 LA or provider of youth support services by informing us. This right is transferred to the pupil once he/she reaches the age of 16.

For more information regarding services for young people, please visit our LA’s website.

PUPILS AGED 16+:

We will also share certain information about pupils aged 16+ with our LA and/or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under the Education and Skills Act 2008 Section 14.

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 LA website.

COLLECTING PUPIL INFORMATION

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. When collecting data, the school will inform you whether you are required to provide this data or if your consent is needed. Where consent is required, the school will provide you with specific and explicit information about the reasons the data is being collected and how the data will be used. 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. In some cases, data will be outsourced to a third party processor; where the school outsources the data the same data protection standards that St Michael's Church of England High School upholds are imposed on the processor.

STORING PUPIL DATA

We hold children and young person's data for various periods of duration as determined by the school's Records Management Policy.

Personal data will be held until the pupil becomes 25 years of age. SEN information is kept until the pupil is 30 years of age.

WHO WE SHARE PUPIL INFORMATION WITH

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our LA
- the DfE
- providers of alternative educational provision
- the school federation, academy chain, Multi Academy Trust
- school health nurse team
- local health trust and their commissioned health services

St Michael's will not share your personal information with any third parties without your consent, unless the law allows us to do so. In accordance with GDPR, the school stores data for as long as is necessary to complete the task for which it was originally collected.

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 DfE on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We share pupils' data with the LA to allow them to carry out statutory duties including the identification of children missing education, and to ensure that all pupils get a suitable education, in

line with sections 436A and 437 of the Education Act 1996. The LA also has responsibilities around the identification of pupils with special educational needs as identified in section 22 of the Children and Families Act 2014.

We also share pupils' data with the Local Authority for the purposes of comparative data analysis and to enable the provision of services by the Local Authority as defined in the current contracts, service level agreements or data sharing agreements.

We are required to share information about our pupils with our LA and the DfE under section 3 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 DfE (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

THE NATIONAL PUPIL DATABASE (NPD)

The NPD is owned and managed by the DfE 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.

St Michael's Church of England High School is required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school 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 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
- 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>

WHAT ARE YOUR RIGHTS?

Under data protection legislation, parents and pupils have the right to:

- be told how the school uses their information
- request to see the information which is held about them
- request the school to change information that is thought to be incorrect
- request the school to remove any information when it is not needed anymore
- request the school to only use the information in certain ways
- tell the school when they do not want their information to be processed
- object to the 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

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, please contact the school on 0121 561 6881.

DECLARATION

I, _____ (name of individual) _____, declare that I understand:

- that St Michael's Church of England High School has a legal and legitimate interest to collect and process my personal data in order to meet statutory requirements
- how my data is used
- that St Michael's Church of England High School may share my data with the DfE, and subsequently the LA
- that St Michael's Church of England High School will not share my data to other third parties without my consent, unless the law required the school to do so
- that St Michael's Church of England High School will always ask for explicit consent where this is required, and I must provide this consent if I agree with the data being processed
- my data is retained in line with the school's GDPR Data Protection Policy
- my rights to the processing of my personal data
- where I can find out more information about the processing of my personal data

Name: _____

Signature: _____ **Date:** _____