

# Privacy Notice for Parents and Carers - Use of your child's personal data.

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## 1. Introduction

Under data protection law, individuals have a right to be informed about how our trust uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data. This privacy notice explains how we collect, store and use personal data about pupils at our school.

This privacy notice applies while we believe your child is not capable of understanding and exercising their own data protection rights. Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), you should instead refer to our privacy notice for pupils to see what rights they have over their own personal data.

Our trust, Discovery Schools Academies Trust – registered office c/o Kibworth CE Primary School, Hillcrest Avenue, Kibworth, Leicestershire. LE8 0NH are the 'data controller' for the purposes of data protection law. Our data protection officer is Nick Layfield (see 'Contact us' below).

## 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:

- Contact details, parent contact information, contact preferences, date of birth, identification documents
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Exclusion information
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers

We may also collect, use, store and share (when appropriate) information about your child that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

- Any medical conditions we need to be aware of, including physical and mental health
- Photographs and CCTV images captured in school (if applicable in your school)
- Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs

We may also hold data about pupils that we have received from other schools belonging to the Discovery Schools Academies Trust group, other organisations, including schools not in the Trust, social services, local authorities and the Department for Education.

## 3. Why we use this data

We use this data to:

- a) Support pupil learning
- b) Monitor and report on pupil progress
- c) Provide appropriate pastoral care
- d) Protect pupil welfare and to keep children safe (food allergies, or emergency contact details)
- e) Assess the quality of our services
- f) Administer admissions waiting lists
- g) Carry out research
- h) Comply with the law regarding data sharing

- i) Inform you if the school has had a confirmed COVID -19 case

### 3.1 Use of your child's personal data in automated decision making and profiling

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.

## 4. Our lawful basis for using this data

Our lawful basis for processing your child's personal data for the purposes listed in section 3 above are as follows:

- For the purposes of (a), (b), (c) (d), (e), (f) (g) and (i) in accordance with the 'public task' basis – we need to process data to fulfil our statutory function as a school.
- For the purposes of (d) in accordance with the legal basis of Vital interests: to keep children safe (food allergies, or medical conditions)
- For the purposes of (h) in accordance with the legal basis of Legal obligation: data collected for DfE census information:
  - o Section 537A of the Education Act 1996
  - o the Education Act 1996 s29(3)
  - o the Education (School Performance Information) (England) Regulations 2007
  - o regulations 5 and 8 School Information (England) Regulations 2008
  - o the Education (Pupil Registration) (England) (Amendment) Regulations 2013
- For the purposes of (g), in accordance with the 'consent' basis – we will obtain consent from you to use your child's personal data

Where you have provided us with consent to use your child's data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

### 4.1 Our basis for using special category data

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

- o We have obtained your explicit consent to use your child's personal data in a certain way
- o We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- o We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- o The data concerned has already been made manifestly public by you
- o We need to process it for the establishment, exercise or defence of legal claims
- o We need to process it for reasons of substantial public interest as defined in legislation
- o 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
- o 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 child's 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 this information

While the majority of information we collect about your child is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about your child will come from you, but we may also hold data about your child from:

- Local authorities
- Social Care
- Government departments or agencies
- Police forces, courts, tribunals

## 6. How we store this 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 Document Retention Management Policy sets out how long we keep information about pupils. A copy of this policy can be requested from your school.

We have put in place appropriate security measures to prevent your child's personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed and will dispose of your child's personal data securely when we no longer need it.

## 7. Who we share data 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:

- Our local authority – to meet our legal obligations to share certain information with it, such as admissions, attendance, attainment, safeguarding concerns, and exclusions
- Discovery Schools Academies Trust – (the multi academy trust our school is part of)
- The Department for Education – to meet our statutory requirement under Section 537A of the Education Act 1966
- Educational institutions that pupils attend after leaving us.
- Health and social welfare organisations – e.g the school nurse team, CAMHS etc - to meet both legitimate and vital interests of pupils in the school.
- The pupil’s family and representatives- to meet both legitimate and vital interests of pupils in our organisation.
- the Police, courts and tribunals
- Social Services (where there are safeguarding concerns)

We also share personal data with third party organisations which provide services to us. This data is only shared where it is essential for the service to be provided. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the school’s specific directions. We currently provide pupil level data for the following purposes:

- to provide core school business services (our school management information system, parental communication providers)
- to support learning through curriculum products, e.g. curriculum learning platforms like Office 365. A full current list of third party organisations is available on request.

## **National Pupil Database**

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census.

Some of this information is then stored in the National Pupil Database (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with other organisations which promote children’s education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use the data.

For more information, see the Department’s webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) with any further questions about the NPD.

## 8. Your rights

### 8.1 What are your rights?

#### 1. Right to Information

- The data subject has the right to know how we process data, who we process it with, our Data Protection Officer contact details, details of the data controller and details of the data subject’s

rights. This privacy notice outlines all of these principles.

## 2. Subject access rights

- The data subject has the right to know what personal data is being held about them and how they can access this (see below paragraph).

## 3. Right to rectification

- The data subject can request that the data controller rectifies any inaccurate data

## 4. Right to erasure

- The data subject can request that the data controller erases any data that is no longer fit for processing or where processing was relying on consent and this has been withdrawn.

## 5. Right to restrict processing

- The data subject can request that the data controller restricts processing where the accuracy of the personal data is contested, the process is unlawful or no longer needed but the data subject does not want to erase as the data is still required.

## 6. Right to data portability

- The data subject has the right to receive any personal data they have provided in a structured, commonly used and machine-readable format.

## 7. Right to object

- The data subject has a right to object to data processing.

## 8. Rights in relation to automated decision making and processing

- The data subject has the right not to be subjected to decisions based solely on automated processing.

If you wish to exercise any of your data rights as a parent/carer with parental responsibility, then please get in touch with your local Data Protection Representative that can be found below. Please remember, once your child can understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), we will need to obtain consent from your child for you to make these requests on their behalf. This also applies to section 8.2 and 8.3.

## 8.2 How to access the personal information we hold about your child (Subject Access Request)

You have a right to make a 'subject access request' to gain access to personal information that we hold about your child.

If you make a subject access request, and if we do hold information about your child, we will (subject to any exemptions that may apply):

- 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
- 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

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact us (see 'Contact us' below).

### 8.3 Your other rights regarding your child's data

Under data protection law, you have certain rights regarding how your child's personal data is used and kept safe. For example, you have the right to:

- Say that you don't want it to be used if this would cause, or is causing, harm or distress.
- Stop it being used to send you marketing materials.
- Say that you don't want it used to make automated decisions (decisions made by a computer or machine, rather than by a person).
- Have it corrected, deleted or destroyed if it is wrong, or restrict our use of it.
- Claim compensation if the data protection rules are broken and this harms you in some way. To exercise any of these rights, please contact us (see 'Contact us' below).

## 9. 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 other concern about our data processing, we request that you raise your concern with us in the first instance via the school office. Should the outcome not be to your satisfaction you can contact Discovery School Academies Trust:

- Report a concern online via [dprep@discoveryschoolstrust.org.uk](mailto:dprep@discoveryschoolstrust.org.uk)
- Call 0116 418 3066.

We are confident that we can work together to avoid/remove/reduce concerns, but should the school and /or Trust not be able to resolve the matter to your satisfaction, then your concern can be raised via the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact:

- Mel Knight                      Your Local Data Protection Representative at your School office on

0116 2362154 or email: [admin@dsatwooldenhill.org](mailto:admin@dsatwooldenhill.org)

- Louise Barber Trust Operations Director on 0116 279 3462 or [dprep@discoveryschoolstrust.org.uk](mailto:dprep@discoveryschoolstrust.org.uk)
- Adam Lapidge Data Protection Officer via [alapidge@discoverytrust.org](mailto:alapidge@discoverytrust.org)