

Privacy Notices: How we use pupil information

Who we are?

The Bay Learning Trust is a Multi-Academy Trust operating Academies. It is an exempt charity whose Principal Regulator is the Department for Education. We are a Data Controller for the purposes of Data Protection legislation and registered with the Information Commissioner's Office for this purpose under registration number [ZA474474]

Why do we collect and use pupil information?

We collect and use pupil information and may also receive information about pupils from their previous school, local authority and/or the Department for Education (DfE).

For example, we may collect and share information with the Department for Education (DfE) as part of our census which is a duty under the Education Act 1996. Information about our Departmental Censuses can be found at <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

We use the pupil personal data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services

We process information in this way to comply with our legal obligations under education law. For example, we provide information on performance to Ofsted and/or DfE when required to do so by law. We also use pupil data for our own internal processes pursuant to the Trust's legitimate interest in providing education to pupils of school age and to ensure that we are delivering education in the right way for our pupils and to maintain the quality of our services.

We also use personal data:

- to provide appropriate pastoral care
- to comply with the law regarding data sharing

This may include data about pupils' medical conditions, physical and mental health. We process this data to ensure adequate support is in place to meet the needs of pupils. We will sometimes need to share this data when liaising with professional third parties, such as mental health services, the local authority designate officer (LADO), medical professionals and in some circumstances the police.

Where the information we are processing in this way falls into a special category of personal data (currently known as sensitive personal data), we will process this information with the explicit consent of the pupil (or parents where appropriate), or where the law places a legal obligation upon us and we can lawfully do so without obtaining prior explicit consent.

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

- Personal information (such as name, unique pupil number, address and other contact details)
- 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 information (such as test scores, examination results and homework outcomes)
- Medical information (such as registered doctor name and address, any medical issues which the school has been informed about)
- Special educational needs information
- Exclusions / Behavioural Information (such as fixed term and permanent exclusions and details of detentions and other sanctions)
- Educational History (such as prior and previous schools)
- Post 16 Learning information (such as examination outcomes pre-16)
- Financial information (such as School Pay online payments, dinner money, trip payments and voluntary contributions)
- Admissions information (such as Supplementary Admissions Form information, Looked After Child status, widow/widower status and church attendance information)
- Health & Safety information (such as records of minor injuries and information that is required to comply with the Health & Safety Executive (HSE) RIDDOR requirements.
- Static and moving images (such as photographs of pupils and CCTV recordings)

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. 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 at the time that we obtain this information from you. Where you have a choice we will only process this information if you consent to us doing so. You have the right to withdraw your consent to us processing such information at any time. If you wish to withdraw consent, please contact the Trust's Data Protection Officer (contact details are below).

Storing pupil data

We hold pupil data for no longer than is necessary and in line with the retention section of our Data Protection and Freedom of Information Policies, which can be found in the policies section of the school website:

<https://www.baylearningtrust.com/schooldata/pages/Policies/GDPR%20and%20Pupil%20Records%20Data%20Privacy%20Policy.pdf>

<https://www.baylearningtrust.com/schooldata/pages/Policies/Freedom%20of%20Information%20Act%20Policy.pdf>

Details of the security measures in place to protect personal data are set out in this policy.

Who do we share pupil information with?

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our local authority
- the Department for Education (DfE)
- our Multi Academy Trust
- School nurse and other NHS institutions (see section below - Public Health Screening Programmes - for more information)
- Organisations which provide learning tools (such as GL Assessment, Boardworks, Edmodo, Kerboodle, Doodle, Kahoot, MyMaths, NinjaMaths, IXL, Accelerated Reader Programme)
- Organisations which provide registration tools (such as Capita SIMS or VeriCool)
- Organisations which provide Library Registration tools (such as Oliver)
- Organisations which provide Information Management Services (such as Captia SIMS)
- Organisations which provide data collection, monitoring and reporting services (such as software from Cooke & Cree Solutions, SISRA, MyALPS)
- Organisations which provide cloud storage solutions (such as DropBox, Microsoft, Google)
- Organisations which provide ICT support services (such as Sophos)
- Organisations which support our Pastoral Care systems (such as Medical Tracker, software from Cooke & Cree Solutions)
- Organisations which provide Virtual Learning Environments (such as Firefly)
- Organisations which provide financial services (such as ParentPay and Schools Cash Office)
- Organisations which provide communication services (such as Microsoft, Teacher2Parents, Google)
- Organisations which provide survey data collection service (such as QDP, Survey Monkey, GL-Assessment and Leadership Matters)
- Learner Record Service

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. Where we share your information with processors, they may on occasion use their own sub-processors and share personal data with these sub-processors. We only permit our processors to use sub-processors with our prior consent. You can obtain further information about sub-processors used by contacting the Data Protection Officer.

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.

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>.

Public Health screening programmes (Lancashire County Council)

The academies within the Trust share class list information with providers in connection with the following public health screening programmes:

National Child Measurement Programme (NCMP)

The *lawful basis* for processing personal data is:

Art. 6 (1) (e) GDPR:

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 personal data processed in respect of these two public health screening programmes includes personal data revealing ethnic origin which is classified as *special category personal data* under Art. 9 GDPR which merit special protection and consequently a further condition for processing is required.

The additional lawful basis for processing special category personal data (specifically ethnic origin) is:

Art. 9 (2) (i) GDPR:

Processing is necessary for reasons of public interest in the area of public health

Dental Screening Survey & Vision Screening Programmes

The *lawful basis* for sharing personal data is:

Art. 6 (1) (f) GDPR:

Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party

The legitimate interest is *to provide public health services and improve health and wellbeing outcomes for children and young people*, which falls outside the task of schools as public authorities to provide education to children and young people.

Processing is *necessary* as only schools hold up to date class list/address data to facilitate:

- Any necessary follow-up arrangements, in response to identified need or to promote health and wellbeing, by a health professionals. Contact is arranged with the child/ young person or with parents/ carers.
- Any appointments being sent to the parent/guardian of a child who requires further assessment of their optical health needs – or to arrange follow-up as indicated by the initial screening tests.

The LEA only receive snapshot census data 3 times per year.

It is in the child's interests to be offered an appointment to treat any identified further health needs. Some conditions such as amblyopia (lazy eye) are much more difficult to treat if left undiagnosed after the age of 8 and can result in permanent vision loss.

Optical and oral health are important aspects of a child's overall health status

More information can be found in VirginCare NHS privacy notices:

<https://virgincare.co.uk/patient-privacy-notice/>

Aged 14+ qualifications

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupil's learning or qualifications

Youth support services

What is different about 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 / 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.

Our 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.

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 pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

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>

Requesting access to your personal data

Under data protection legislation, pupils have the right to request access to information about them that we hold. In certain circumstances parents can make a request for a pupil's information on a pupil's behalf. To make a request for your personal information, or be given access to your child's information, contact the Trust's Data Protection Officer who will be able to process your request.

Pupils (and parent in certain circumstances) 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
- 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, you should raise your concern with us in the first instance or directly to 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 Data Protection Officer
The Bay Learning Trust
The Lodge
Ripley St Thomas CE Academy
Ashton Road
Lancaster
LA1 4RR