

# Withinfields Primary School

## Privacy Notice for Parents and Carers



Under UK data protection requirements, individuals have a right to be informed about how the school uses any personal data. The school complies with these requirements by providing 'privacy notices' (sometimes called 'fair processing notices') to inform individuals about how their personal data will be processed.

This privacy notice explains how the school collects, stores, uses and deletes personal data about students and their families. This document is based on a variety of sources and has been tailored to the specific needs of the school.

### Who processes your information?

Withinfields Primary School is the data controller of any personal data provided. This means the school determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed.

In some cases, personal data processing will be outsourced to a third-party; however, this will only be done with your consent, unless the law or our policies allow the school to share your data. Where the school outsources data to a third-party processor, the same data protection standards that the school upholds are imposed on the processor.

The Valley Learning Partnership is the Data Protection Officer (DPO). While the school remains responsible for data protection, the role of the DPO is to oversee and monitor the school's data protection procedures, and to support the school in its compliance with the UK data protection requirements. The DPO can be contacted via the school office on 01422 363581 or [admin@withinfields.calderdale.sch.uk](mailto:admin@withinfields.calderdale.sch.uk).

### What personal data is collected?

The categories of pupil information that the school collects, holds and shares include but are not restricted to the following:

- personal information (such as names of both pupils and their parents or carers and their addresses)
- characteristics (such as ethnicity, language and free school meal eligibility)
- attendance information (such as number of absences and absence reasons)
- assessment information (such as national curriculum assessment results)
- relevant medical information
- information relating to special educational needs and disability (SEND)
- behavioural information (such as number of temporary exclusions)
- safeguarding information (such as court orders and professional involvement)
- CCTV footage
- photographs

When collecting data, the school will inform you if your consent is needed. Where consent is required, the school will provide you with specific and explicit information explaining the reason(s) the data is being collected, how the data will be used and how consent can be withdrawn.

### Why does the school collect personal data?

Withinfields Primary School has the legal right to collect and use personal data relating to pupils and their families and may also receive information regarding them from their previous school, Local Authority (LA) and/or the Department for Education (DfE).

Whilst the provision of the majority of personal data is mandatory, some of it is provided to the school on a voluntary basis. In order to comply with the UK data protection requirements, the school will inform you whether you are required to provide certain information or if you have a choice.

The personal data of pupils and their families is collected and used for the following reasons:

- to provide free early education and childcare
- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our service
- to keep children safe (e.g. food allergies or emergency contact details)
- to comply with the law regarding data sharing
- to facilitate school trips and activities
- to safeguard pupils

### **The lawful basis for collection and use of personal data**

The school will use a lawful basis to collect and use personal data. Most commonly, the school will use it where it needs to:

- 1. Comply with a legal obligation.** The school will collect and use personal data in order to meet legal requirements and legitimate interests set out not only in the UK data protection requirements but also:
  - Section 537 of the Education Act 1996
  - Regulation 3 of The Education (Information About Individual Pupils) (England) Regulations 2013
  - The Education (School Performance Information) (England) Regulations 2007
  - Children's Act 1989
  - Education and Skills Act 2008
  - DfE Keeping children safe in education 2019
  - DfE Working together to safeguard children 2018
  - Health and Safety at Work Act 1974
  - The Disability Discrimination Act 1995
- 2. Perform an official task in the public interest.** The school will collect and use personal data in order to meet the curriculum requirements of section 78 of the Education Act 2002 - to deliver a balanced and broadly-based curriculum which promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and prepares pupils for the opportunities, responsibilities and experiences of later life. This includes school trips and activities.
- 3. To protect an individual's vital interests.**
- 4. Where we have gained your explicit consent.** We may occasionally require your consent to process particular personal data, examples would be the sharing of photographs of children and where we use your contact information to share information about external activities.

Where we process special categories of personal data, such as medical information and ethnicity, the processing is necessary for reasons of substantial public interest. Where this does not apply the school will seek consent for specific purposes.

Some of the reasons listed above for collecting and using personal information overlap, and there may be several grounds which justify the school's use of your data.

### **Storing personal data**

Personal data relating to pupils at Withinfields Primary School and their families is stored in line with the school's Data Protection Policy which can be found on the school website. The school will keep personal data for the minimum amount of time necessary for the school to remain in compliance with its legal and regulatory obligations.

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely. For example, the school will securely shred or incinerate paper-based records and override electronic files. The school may also use an outside company to safely dispose of records.

## Sharing personal data

We do not share information about our pupils without consent unless the law and our policies allow us to do so.

The school is required to share pupils' data with the DfE on a statutory basis. This data sharing underpins school funding and educational policy and monitoring

The National Pupil Database (NPD) is managed by the DfE and contains information about pupils in schools in England. The 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 DfE may share information about our pupils from the NPD with third parties who promote the education or wellbeing of children in England by:

- conducting research or analysis.
- producing statistics.
- providing information, advice or guidance.

The DfE has robust processes in place to ensure the confidentiality of any data shared from the NPD is maintained.

The school also routinely shares pupils' information with:

- pupils' destinations upon leaving the school
- our local authority – to meet our legal duties to share certain information with it, such as concerns about pupils' safety and exclusions
- your family and representatives – in case of emergencies such as a health matter and as necessary in the performance of our education function
- educators and examining bodies – as necessary in the performance of our education function
- our regulator (the organisation or “watchdog” that supervises us), Ofsted – to enable it to evaluate the education we provide, which is in the public interest
- suppliers and service providers – so that they can provide the services we have contracted them for
- financial organisations – so that they can provide the services we have contracted them for
- our auditors – to demonstrate that we have taken appropriate action in providing your education
- health authorities – to comply with our legal and statutory obligations, with investigations and to support legal entitlements
- security organisations – with regard to legal or safeguarding investigations and to assist in crime prevention, detection and prevention of fraud
- health and social welfare organisations – to enable us to comply with our duty of care and statutory safeguarding duties for your wellbeing
- professional advisers and consultants – to comply with entitlements and assist with claims
- police forces, courts, tribunals – in order to uphold law and order

The school uses various systems, such as assessment and reporting software, communication systems and curriculum software that may process pupil and family information. As the data controller the school will ensure that processors meet and uphold the required data protection standards.

## Requesting access to personal data

Individuals have a right to make a **'subject access request'** to gain access to personal information that the school holds about them. Parents and carers can make a request with respect to their child's data, they also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and if the school does hold information about you or your child, the school will:

- give you a description of it

- tell you why the school is holding and processing it, and how long it will be kept for
- explain where the school 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

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a subject access request, please contact our DPO via the school office. You are entitled to submit subject access requests all year round, but please bear in mind that it may be necessary for us to extend the response period when requests are submitted over the summer holidays. This will be the case where the request is complex – for example, where we need multiple staff to collect the data.

Parents and carers also have a legal right to access to their child's educational record. To request access, please contact the school office.

### **Other rights regarding personal data**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- object to the use of personal data if it would cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- in certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact the DPO via the school office.

### **Complaints**

We take any complaints about the 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 data processing, please raise this with the school in the first instance.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5A

### **Where can you find out more information?**

If you would like to find out more information about how we use and store your personal data, please visit our website <https://withinfields.calderdale.sch.uk/> to view our Data Protection Policy.

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>

To find out more about the National Pupil Database (NPD), go to <https://www.gov.uk/government/publications/national-pupildatabase-user-guide-and-supporting-information>

For more information about the DfE NPD data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>