

## **Privacy Notice (How we use children in need and children looked after information)**

**The categories of this information that we collect, process, hold and share include:**

- personal information (such as name, date of birth and address)
- characteristics (such as gender, ethnicity and disability)
- information relating to episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information)
- episodes of being looked after (such as important dates, information on placements)
- outcomes for looked after children (such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending)
- adoptions (such as dates of key court orders and decisions)
- special educational needs information (such as SEN assessment records, individual education plans, statements of special educational need, and education health care plans)
- behavioural information (such as exclusion letters, individual behaviour plans and re-integration records)
- pupil education plans and looked after child meeting records
- records of physical restraint
- risk assessments
- transfer records (from receiving schools and to transferring schools)

## **Why we collect and use this information**

We use this personal data to:

- support these children and monitor their progress
- provide them with pastoral care
- assess the quality of our services
- evaluate and improve our policies on children's social care
- ensure the special educational needs of these children are met
- promote positive behaviour and access to education
- meet statutory requirements placed on us as an education provider in supporting children in need and children looked after
- safeguard these children
- comply with Department for Education statutory school census requirements under sections 113 and 114 of the Education Act 2005
- to ensure these children experience smooth transitions between settings

## The lawful basis on which we use this information

We collect and process information about children in our care and children to whom we provide services under Article 6 and Article 9 of the GDPR (May 2018):

Article 6:

- 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.

Article 9:

- processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
- 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;
- processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
- processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3 of Article 9.

## Collecting this information

Whilst the majority of children looked after information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the data protection legislation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

## Storing this information

See the 'Information Records Management Toolkit for Schools' document (available on our website) for retention schedules.

## Who we share this information with

We routinely share this information with:

- the Department for Education (DfE)
- the local authority (East Riding of Yorkshire Council – departments such as the Early Help & Safeguarding Hub, Social Services, SEND, Behaviour Support, Education Psychology)
- the local authority by which a child is looked after (this may be different from East Riding of Yorkshire Council)
- settings a child has transferred from and is transferring to
- the NHS (where a child has a specific medical need)

## Why we share this information

**Department for Education (DfE)** - We share children in need and children looked after data with the Department on a statutory basis, under Section 83 of 1989 Children's Act, Section 7 of the Young People's Act 2008 and also under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

This data sharing helps to develop national policies, manage local authority performance, administer and allocate funding and identify and encourage good practice.

We do not share information about our children in need or children looked after with anyone without consent unless the law and our policies allow us to do so.

## Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education go to:

Children looked after: <https://www.gov.uk/guidance/children-looked-after-return>

Children in need: <https://www.gov.uk/guidance/children-in-need-census>

## The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about children in England. It provides invaluable information on the background and circumstances on a child's journey and 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 children to the DfE as part of statutory data collections. Some of this information is then stored in the national pupil database (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; 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, (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, parents, carers and children have the right to request access to information about them that we hold. To make a request for your personal information contact the School Office at Sutton upon Derwent Primary School or Bugthorpe Primary School.

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; 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, 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 School Office.