



## **Hutton Cranswick CP School Privacy Notice for Looked After Children and Children in Need**

**The categories of personal 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)
- 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)
- care leavers (such as their activity and what type of accommodation they have)
- 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 children 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 looked after children and children in need
- safeguard these children
- comply with the 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 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 for 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**

Looked after children and children in need information is essential for the local authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this.

### **Storing this information**

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please see the Records Management Policy on the school website.

### **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**

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.

### **The Department for Education**

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our children in need and children looked after with the Department for Education (DfE) for the purpose of those data collections.

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.

All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current government security policy framework.

For more information, please see 'How Government uses your data' section.

### **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 Data Protection Officer, the School Business Manager.

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
- a right to seek redress, either through the ICO, or through the courts

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 School Business Manager



## How Government uses your data

The data that we lawfully share with the DfE through data collections helps to:

- develop national policies
- manage local authority performance
- administer and allocate funding
- identify and encourage good practice

## Data collection requirements

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

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

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

## The National Pupil Database (NPD)

Much of the data about pupils in England goes on to be held in 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.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

## Sharing by the Department

The law allows the department to share pupils' personal data with certain third parties, including:

- schools
- local authorities
- researchers
- organisations connected with promoting the education or wellbeing of children in England
- other government departments and agencies
- organisations fighting or identifying crime

For more information about the department's NPD data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the department has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website: <https://www.gov.uk/government/publications/dfe-external-data-shares>

To contact DfE: <https://www.gov.uk/contact-dfe>