



## Hotspur Primary School Privacy Notice (How We Use Pupil Information)



### Why do we collect and use pupil information?

We collect and use pupil information under the Data Protection Act 1998 (DPA) and “Article 6” and “Article 9” of the General Data Protection Regulation (GDPR).

*Article 6 (GDPR) condition: Processing is necessary for compliance with a legal obligation to which the data controller is subject.*

*Article 9 (GDPR) condition: For substantial public interest on legal basis.*

We use pupil data:

- a) to support pupil learning;
- b) to monitor and report on pupil attainment progress;
- c) to provide appropriate pastoral care;
- d) to assess the quality of our services;
- e) to keep children safe;
- f) to meet the statutory duties placed upon us; and
- g) to comply with the law regarding data sharing.

We may also receive information from a pupil’s previous school or college, local authority, the Department for Education (DfE) and the Learning Records Service (LRS).

**Note:** Schools and local authorities have a (legal) duty under the DPA and the GDPR to ensure that any personal data they process is handled and stored securely.

Under the GDPR, the lawful bases we rely on for processing pupil information are:

- for the purposes of (a), (b), (c), & (d) in accordance with the legal basis of Public Task: collecting the data is necessary to perform tasks that schools are required to perform as part of their statutory functions
- for the purposes of (e) in accordance with the legal basis of Vital Interests: to keep children safe (food allergies, or medical conditions)
- for the purposes of (f) in accordance with the legal basis of Legal Obligation: data collected for DfE census information
  - Section 537A of the Education Act 1996
  - The Education Act 1996 s29(3)
  - The Education (School Performance Information) (England) Regulations 2007
  - Regulations 5 and School Information (England) Regulations 2008
  - The Education (Pupil Registration) (England) (Amendment) Regulations 2013

In addition, concerning any special category data:

- Conditions a, b, c and d of GDPR – Article 9.

### The categories of pupil information that we process include:

- Personal identifiers, contacts and characteristics (such as name, unique pupil number, contact details and address)
- Characteristics (such as ethnicity, language, and free school meal eligibility)
- Safeguarding information (such as court orders and professional involvement)
- Special educational needs (including the needs and ranking)
- Medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- Attendance (such as sessions attended, number of absences, absence reasons and any



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- previous schools attended)
- Assessment and attainment (such as key stage 1 and phonics results, post 16 courses enrolled for and any relevant results)
  - Behavioural information (such as exclusions and any relevant alternative provision put in place)

This list is not exhaustive. For details of what we collect, hold and share, please visit the Information Commissioner's Office (ICO) Data Protection Register and view our entry using registration number **Z8000708** (<https://ico.org.uk/ESDWebPages/Entry/Z8000708>).

### 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.

### Storing pupil data

We hold pupil data for no longer than is necessary. We follow the Records Management Society's Retention Guidelines for Schools and our Retention Schedule is listed on the school website under Policies.

### Who do we share pupil information with?

We routinely share pupil information with:

- schools that the pupil's attend after leaving us;
- our local authority;
- the Department for Education (DfE); and
- the NHS (e.g. *for inoculations, etc*).

### 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.

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 our local authority (LA) and the Department for Education (DfE) under section 3 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>.

### The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education (DfE) 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



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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 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; or
- 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: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>.

To contact the DfE, please visit: <https://www.gov.uk/contact-dfe>.

### **Requesting access to your personal data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact Jennifer Marshall, 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
- 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



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Commissioner's Office at <https://ico.org.uk/concerns/>.

### Contact:

If you would like to discuss anything in this privacy notice, please contact:

- Jennifer Marshall, School Business Manager
- **Data Protection Officer (for Schools)**  
Corporate Services and Governance,  
Gateshead Council,  
Civic Centre,  
Regent Street,  
Gateshead,  
Tyne & Wear,  
NE8 1HH.

Tel No: (0191) 433 2113

Email: [DPO@Gateshead.Gov.UK](mailto:DPO@Gateshead.Gov.UK)