

# Elmstead Primary School



## Pupil Privacy Notice

### **(How we use pupil information)**

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' to individuals where we are processing their personal data.

This privacy notice explains how Elmstead Primary School collects, stores and uses personal data about it's pupils.

We at Elmstead Primary School, Elmcroft, Holly Way, Elmstead Market, Colchester, Essex. CO7 7YQ, are the 'data controller' for the purposes of data protection law.

Our temporary data protection officer is Mrs Jackie Vaughan.

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

- Personal information (such as name, date of birth unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and reasons for absence)
- Medical, accident logs, home address and next of kin information for use with emergency services, statutory assessment services and social care.
- contact details (home address, email address and telephone numbers)
- Assessment information (such as attainment and progress records across curriculum subjects)
- Behavioural information (types of behaviour displayed, outcomes of incidents and number of exclusions)
- Safeguarding information (detail of disclosures, outcomes of meetings, various plans and sensitive information regarding court proceedings, child protection plans and correspondence with outside agencies.)
- Photographs
- Exclusion information

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and Department of Education.

## Why we collect and use this information

We use the pupil data at Elmstead Primary School to:

- support pupil learning;
- monitor and report on pupil progress;
- provide appropriate pastoral care;
- assess the quality of our services;
- comply with the law regarding data sharing;
- comply with statutory request for data from relevant authorities.
- carry out research
- protect pupil welfare.

## The lawful basis on which we use this information

We only collect and use pupils' personal data when the law allows us to. Most commonly we process it where:

- we need to comply with a legal obligation
- we need it to perform an official task in the public interest.

Less commonly:

- we have obtained consent to use it in a certain way
- we need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

We process this information under article 6 of the GDPR in respect of public task and from Article 9 where data processed is special category data from the GDPR from 25 May 2018

For further information on how data is used, please visit the following website

<https://www.gov.uk/education/d-collection-and-censuses-for-schools>

## 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. If it is mandatory we will explain the consequences of not complying.

## Storing pupil data

We keep personal information about our pupils while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. Our Records Management Policy sets out how long we keep information about pupils. This policy is on our website [www.elmsteadprimary.com](http://www.elmsteadprimary.com) or a hard-copy is available from our school office.

## Who we share pupil information with

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions.
- the Department for Education (DfE)
- health authorities
- statutory assessment services
- Essex County Council
- The pupil's family and representatives

## 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 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 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 and pupils have the right to make a **'subject access request'** to gain access to personal information the the school holds about them. Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12) or where the child has provided consent.

To make a request for your personal information, or be given access to your child's educational record, please contact the data protection officer.

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 (by a computer or machine, rather than 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 our data protection officer.

## Complaints

We take any complaints about how we collect and use your personal data very seriously, so please let us know if you think we've done something wrong.

You can make a complaint at any time by contacting our data protection officer.

You can also complain to the Information Commissioner's Office in one of the following ways:

- 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 5AF

## Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our temporary data protection officer: Mrs Jackie Vaughan on 01206 822889 or [bursar@elmstead.essex.sch.uk](mailto:bursar@elmstead.essex.sch.uk)