



Hornsea Burton Primary School Privacy Notice (How we use children in need and children looked after information)

The categories of personal information that we process include:

- personal identifiers and contacts (such as name, date of birth, unique pupil number, contact details and address)
- characteristics (such as ethnicity, language, and free school meal eligibility)
- 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 previous schools attended)
- assessment and attainment (such as end of EYFS, Key Stage 1 and phonics results, Key Stage 2 results)
- behavioural information (such as exclusions and any relevant alternative provision put in place)
- Pupil Premium Eligibility (such as Looked After Status and Forces)
- Information from other Agencies for the wellbeing safeguarding and protection of children.
- Information provided by parents/carers.
- Information about participation in school educational visits and extra-curricular activities
- 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)

This list is not exhaustive. However, we will endeavour to update the list on a regular basis and at least annually.

Why we collect and use this information

We use this personal data to:

- 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 (making safeguarding referrals, sharing information at Core Groups and Conferences, food allergies, emergency contact details)
- f) to meet the statutory duties placed upon us for DfE data collections
- g) to comply with the law regarding data sharing
- h) to support smooth transition for pupils when moving to other schools
- i) evaluate and improve our policies on children's social care

Under the General Data Protection Regulation (GDPR), the legal basis we rely on for processing personal information for general purposes are:

Processing shall be lawful only if and to the extent that at least one of the following applies from **Article 6 GDPR "Lawfulness of processing"**:

For the purposes of (a), (b), (c) & (d) below 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 function:

- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;*
- (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;*
- (c) processing is necessary for compliance with a legal obligation to which the controller is subject;*
- (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;*

For the purposes of (e) below in accordance with the legal basis of Vital interests: to keep children safe (food allergies, or medical conditions):

- (e) 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;*

For the purposes of (f) below in accordance with the legal basis of Legal obligation: data collected for DfE census information:

- (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.*

In addition, concerning any special category data:

conditions **c,d,e and f** of [GDPR - Article 9 as listed below](#)

- *(c) 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;*

- (d) 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;
- (e) processing relates to personal data which are manifestly made public by the data subject;
- (f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
- We collect and use pupil information as above because we have a legal obligation under the following Acts and Regulations:
 - ○ Section 537A of the Education Act 1996
 - ○ section 83 of the Children Act 1989
 - ○ the Education Act 1996 s29(3)
 - ○ the Education (School Performance Information)(England) Regulations 2007
 - ○ regulations 5 and 8 School Information (England) Regulations 2008
 - ○ the Education (Pupil Registration) (England) (Amendment) Regulations 2013

How we collect pupil information

We collect pupil information via admission forms when a child starts at the school or via registration forms at the start of the school year or Common Transfer File (CTF) or secure file transfer from previous school.

Pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this.

This information relating to data collection and census returns which we legally are obliged to do, can be found in the guide documents on the following website:

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

Children in need and children looked after 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.

How we store pupil data

We hold pupil 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 visit

<http://www.hornseaburton.eriding.net/>

Our school keeps information about you on computer systems and also sometimes on

paper.

We hold your education records securely until you change school. An exception of this is assessment data which is kept 6 years after a pupil is left.

Your records will then be transferred to your new school, where they will be retained until you reach the age of 25, after which they are safely destroyed.

There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared unless it is the only way we can make sure you stay safe and healthy or we are legally required to do so.

Please see our school website <http://www.hornseaburton.eriding.net/> for our Data Retention Schedule.

Who we share pupil information with

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our local authority and all relevant departments within it
- the Department for Education (DfE)
- Subject Coordinators in our Hornsea Burton and Skipsea Federation
- Local Children Centre
- Social Care
- Tigers Trust
- Riding Forward Teaching School Alliance(of which we are a member)
- Pixl (of which we are a member)
- Teachers2Parents
- Tapestry
- Education City
- School Nurse/Health Visitors/Child Paediatricians
- Vision Impairment Service
- Speech and Language Consultant/Therapists
- Special Educational Needs Consultant
- Other Local Authorities and their relevant services if needed for transition purposes

Police (when necessary)

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 pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under:

Section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013 applies.

This information relating to data collection and census returns which we legally are obliged to do, can be found in the guide documents on the following website:

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

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 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 Mrs Marsh at the school office (01964 536594) in the first instance or you can go direct to Mrs Inns (Data Protection Officer for Hornsea Burton and Skipsea Federation)

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: Mrs Marsh at the school office (01964 536594) in the first instance or you can go direct to Mrs Inns (Data Protection Officer based at Hornsea Burton School).

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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/dfе-external-data-shares>

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