# Heritage MAT

# Privacy Notice for Secondary Pupils and their Families

Under UK data protection law, individuals have a right to be informed about how the academy trust uses any personal data. The academy trust complies with these requirements by providing privacy notices to inform individuals about how their personal data will be processed.

This privacy notice explains how the academy trust collects, stores, uses and deletes personal data about pupils at secondary school and their families.

## 1 What this Privacy Notice is for

Heritage MAT collect, hold, use and share information about our pupils and their families. This is known as "personal data" and you have rights around that data, including knowing how and why we are processing the data. "Processing" data means collecting, storing, using, sharing or disposing of it.

For the purposes of Data Protection legislation Heritage MAT is a data controller and is registered as such with the Information Commissioner's Office (Z3061884). This means the academy trust determines the purposes for which, and the way any personal data relating to pupils and their families is to be processed.

In some cases, personal data processing will be outsourced to a third-party; however, this will only be done with your consent, unless the law or our policies allow the academy trust to share your data. Where the academy trust outsources data to a third-party processor, the same data protection standards that we uphold are imposed on the processor.

## 2 The types of information that we process

The types of pupil and/or parent or carer information that the academy trust collects, holds and shares include but are not restricted to the following:

- Personal information (such as names of both pupils and their parents or carers and their addresses, pupil dates of birth and unique pupil numbers).
- Attendance information (such as number of absences, absence reasons and any previous schools attended).
- Assessment and attainment information (such as national curriculum assessment results e.g. Key stage 2 results, phonics results and pupil performance at different data collections).
- Behavioural information (such as exclusions and any alternative provision put in place)
- Safeguarding information including notifications from the police, court orders and/or social care involvement.
- Correspondence and complaints.
- Your use of academy trust devices and academy trust networks as part of our safeguarding procedures.
- Information used to allow access to, and record usage of, the catering provision in school.

### 2.1 Special category data (sensitive information)

Some of the information that we collect is more sensitive or can be classified as special category data, this may include:

- Characteristics (including ethnicity and language).
- Safeguarding information (such as court orders and professional involvement).
- Special educational needs.
- Medical information that we need to be aware of including send, mental and physical health (including your doctor's information, child health, dental health, allergies, medication and dietary requirements).
- Biometric data (such as fingerprints or face image for catering services).
- Free school meal eligibility.
- Photographs, videos and audio recordings.
- CCTV footage.

- Other funding (such as pupil premium, high needs funding and catch-up funding).

# 3 Why does the academy trust collect and use your information?

Heritage MAT has the legal right to collect and use personal data relating to pupils and their families and may also receive information regarding them from their previous school, Local Authority (LA) and/or the Department for Education (DfE).

Whilst the provision of most personal data is mandatory, some of it is provided to the academy trust on a voluntary basis. To comply with the UK data protection requirements, the academy trust will inform you whether you are required to provide certain information or if you have a choice.

## 3.1 Pupil information

The personal data of pupils is collected and used for the following reasons:

- To support learning.
- To monitor and report on pupil attainment and progress.
- To provide appropriate pastoral care.
- To assess the quality of our services.
- To keep children safe or protect pupil welfare.
- Photos are used for identification purposes (safeguarding), and celebration purposes (to record work, classes and school events).
- To meet the legal duties placed upon us by the DfE.
- To comply with the law in general.
- For site safety and security.
- To protect against fraud.
- To streamline systems.

## 3.2 Family information

We collect and use information about our pupils' families:

- To report to you on your child's attainment and progress
- To fulfil our legal and statutory obligations.
- For the admissions process.
- For general communication about the academy.
- For safeguarding and welfare purposes.
- To process payments.
- To gather feedback about our work.

## 3.3 The lawful basis for collection and use of personal data

Under the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing pupil and family information are:

- We need to comply with a legal obligation.
- We need to perform an official task in the public interest.
- We have obtained consent to use it in a certain way.
- We need to protect an individual's vital interests (or someone else's interests)

## 3.4 Special category personal data

The ways we collect and use special category data (sensitive pupil and family information) are lawful based on one of the following conditions:

- We have your explicit consent.
- When required for reasons of substantial public interest.
- When required to ensure health and safety on the academy site.

and one of the following conditions for processing as set out in UK data protection law:

- We have your explicit consent to use your information in a certain way.
- We need to use your information under employment, social security or social protection law.

- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you are physically or legally incapable of giving consent.
- The information has already been made obviously public by you.
- We need to use it to make or defend against legal claims.
- We need to use it for reasons of substantial public interest as defined in legislation.
- We need to use it for health or social care purposes, and it is used by, or under the direction of, a professional obliged to confidentiality under law.
- We need to use it for public health reasons, and it is used by, or under the direction of, a professional obliged to confidentiality under law.
- We need to use it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the use is in the public interest.

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in data protection law.

- We have gained your consent to use it in a specific way.
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you are physically or legally incapable of giving consent.
- The data concerned has already been made public by you.
- We need to use it as part of legal proceedings, to obtain legal advice, or to make or defend against legal claims.
- We need to use it for reasons of substantial public interest as defined in legislation.

### 3.5 Marketing purposes

Where a family member gives us consent, we may send them marketing information by message or email, such as for promoting school events, campaigns or charities. Consent can be withdrawn at any time by contacting us.

### 3.6 Automated decision making & profiling

We do not use any of your personal information to make automated decisions about you, or to profile you. If this changes in the future, privacy notices will be updated to explain both the processing and your right to object to it.

## 4 How we collect pupil and family information

We collect pupil and family information from:

- Admission forms completed by parents or carers when a pupil joins a school within our academy trust.
- Data collection forms.
- Information produced from our day-to-day interaction with pupils and their parents or carers.
- Any previous school or provision.
- Local authorities.
- The NHS.
- Police.
- The Department for Education (DfE).
- Secure file transfer common transfer file (CTF), provided by previous schools.

We sometimes audio or video record sessions, lessons or assessments for pupil or staff development and assessment. This will generate personal data including pupil images, names, contributions, and will be protected, processed, and retained in the same way as all personal data, in line with the academy trust's policies.

Whilst most of the pupil information you provide to us is mandatory, some of it is requested on a voluntary basis. We will let you know, when we ask you for information, whether you are required to provide the information and your rights in relation to this.

# 5 How, where and for how long we store pupil and family information

We keep personal information about you while you are attending our school. We may also keep it after you stop attending our school, if this is necessary. Our Records Management Policy sets out how long we keep information about pupils. Education records are generally kept until a child's 25th birthday unless they move to another school in which case the file is sent to the new school.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your personal data securely when we no longer need it.

# 6 Sharing pupil information

We do not share information about pupils with any third party without consent unless the law and our policies allow us to do so.

We routinely share pupil information with:

- Schools that the pupils attend after leaving us.
- Youth support services (students aged 13+)
- Our local authority - to meet our legal duties to share certain information with it, such as concerns about pupils' safety and exclusions and to conduct their statutory duties under the Schools Admission Code, including conducting Fair Access Panels.
- The Department for Education (a government department) - to meet statutory obligations to provide them with information, especially with regard to data returns such as school census.
- The pupil's family and representatives - in case of emergencies such as a health matter and as necessary in the performance of our education function.
- Educators and examining bodies.
- Our regulator, Ofsted - to enable it to evaluate the education we provide.
- Suppliers and service providers - so that they can provide the services we have contracted them for.
- Financial organisations - so that they can provide the services we have contracted them for.
- Central and local government - to meet statutory obligations and legal duties to provide them with information.
- Our auditors - to demonstrate that we have taken appropriate action in providing your child's education.
- Health authorities - to comply with our legal and statutory obligations, with investigations and to support legal entitlements.
- Security organisations - with regard to legal or safeguarding investigations and to assist in crime prevention, detection and prevention of fraud.
- Health and social welfare organisations - to enable us to comply with our duty of care and statutory safeguarding duties for your child's wellbeing.
- Professional advisers and consultants - to comply with entitlements and assist with claims.
- Police forces, courts, tribunals - in order to uphold law and order.
- Professional bodies - to verify information for legal purposes.

## 6.1 International Transfers

Your personal information may be transferred outside the UK and the European Economic Area ('EEA'), including to the United States. Where information is transferred outside the UK or EEA to a country that is not designated as "adequate" in relation to data protection law, the information is adequately protected by the use of International Data Transfer Agreements and security measures, and other appropriate safeguards.

## 6.2 Freedom of Information Act and Environmental Information Regulations 2004

As a public body, our academy trust is subject to requests made under the above legislation. However, we will never disclose personal data in our responses to these requests where to do so would contravene the principles of data protection.

### 6.3 Youth support services (Students aged 13+)

Once our pupils reach the age of 13, we also pass pupil information to our local authority and/or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- Youth support services
- Careers advisers

Parents/carers, or students once aged 16 or over, can contact us to request that we only pass the individual's name, address and date of birth to our local authority and/or provider of youth support services.

Data is securely transferred to the youth support service via an appropriate method and is stored by the service and held according to their own retention policies.

### 6.4 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 5 of The Education (Information About Individual Pupils) (England) Regulations 2013. All data is transferred securely and held by the DfE under a combination of software and hardware controls, which meet the current government security policy framework.

For more information see section 8, How the Government uses your data.

## 7 Requesting access to personal data and other rights

Under data protection law, parents and pupils have the right to request access to the information about them that we hold, and in some cases, parents can make the request on the pupil's behalf.

If you make a subject access request, and if we do hold information about you, we will (subject to any exemptions that may apply):

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

Family members and carers also have the right to request access to information about them that we hold.

You also have the right to:

- Be informed about the collection and use of your personal data.
- Have inaccurate personal data changed if it is inaccurate or completed if it is incomplete.
- Ask us to delete your personal information, often known as the 'right to be forgotten'; however, this does not apply where, amongst other things, processing is necessary to comply with a legal obligation.
- Restrict the way we are using your information; although, as above this is a limited right.
- Object to the way we are using your information; though other than for marketing purposes, this is also limited as above.

Where we rely on your consent to collect and use your data, you have the right to withdraw that consent. If you do change your mind, or you are unhappy with our use of your personal data, please let us know.

You also have rights in relation to automated decision making and profiling, though these are not currently relevant as we do not carry out automated decision making or profiling.

Finally, the right to complain about the way we use your personal information, or to seek compensation through the courts.

If you would like to request access to your data, or use any of the other rights listed above, please contact our Data Protection Officer via the academy trust office.

# 8 How Government uses your information

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

- Underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- Informs 'short term' education policy monitoring and school accountability and intervention (for example, school GCSE results or pupil progress measures).
- Supports 'longer term' research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school).

## 8.1 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

## 8.2 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.

The data in the NPD is provided as part of the operation of the education system and is used for research and statistical purposes to improve, and promote, the education and well-being of children in England.

The evidence and data provide DfE, education providers, Parliament and the wider public with a clear picture of how the education and children's services sectors are working in order to better target, and evaluate, policy interventions to help ensure all children are kept safe from harm and receive the best possible education.

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

## 8.3 Sharing by the DfE

The DfE will only share pupils' personal data where it is lawful, secure and ethical to do so. Where these conditions are met, the law allows the Department for Education (DfE) to share pupils' personal data with certain third parties, including:

- Schools and 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 the Department for Education (DfE) to request access to individual level information relevant to detecting that crime.

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

## 8.4 How to find out what personal information the DfE holds about you

Under data protection regulations, you are entitled to ask the Department:

- If they are processing your personal data.
- For a description of the data they hold about you.

- The reasons they're holding it and any recipient it may be disclosed to for a copy of your personal data and any details of its source.

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address: https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter or

To contact the DfE call 0370 0002288 or visit https://www.gov.uk/contact-dfe

## 9 Complaints

We take any complaints about our collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us.

Any complaints received should receive a formal acknowledgement within 30 days and a response without undue delay. If you are not happy with our response, then you can raise a complaint with the Information Commissioner using one of the methods below.

- Report a concern online at https://ico.org.uk/make-a-complaint/
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## 10 Contacts

Our Data Protection Officer is Data Tools for Schools Limited and they may be contacted via the academy trust office on the shared email dpo@heritagemat.uk or call 01484 489975

Our Data Protection Lead, Virginia Wood, has day to day responsibility for data protection issues within the trust. and they may be contacted via the academy trust office on the same shared email dpo@heritagemat.uk or call 01484 657541.

If you have any questions or concerns or would like more information about anything mentioned in this privacy notice, please contact the Data Protection Lead or our Data Protection Officer.

To contact the DfE:

- Call 0370 0002288
- Visit https://www.gov.uk/contact-dfe