Privacy Notice for Pupils and Parents

How we use pupil and parent information

Under the General Data Protection Regulation (GDPR) we are obliged to inform you of the information we hold on you and your child(ren), what we use it for, who we share it with, and for how long we keep it. This privacy notice (also known as a fair processing notice) aims to provide you with this information.

Barnwell Academy is the data controller of the personal information that we collect, hold and share about you and your child(ren). This means the school determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed. We are registered as a data controller with the Information Commissioner's office with the following data protection registration number ZA184932.

1. The categories of pupil & parent information that we collect, hold and share include but are not limited to:

- Personal information (such as name, unique pupil number and address, parent's national insurance number).
- Contact details and preference (contact telephone numbers, email addresses, addresses)
- Characteristics (such as ethnicity, religion, language, and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as data scores, tracking, and internal and external testing)
- Relevant medical information (such as NHS information, health checks, physical and mental health care, immunisation program and allergies)
- Special educational needs information (such as Education, Health and Care Plans (EHCP's), applications for support, care or support plans)
- Safeguarding information
- Exclusion information
- Behavioural information
- Photographs (for internal safeguarding & security purposes, school newsletters, media and promotional purposes).
- Payment details

We may also hold data about pupils that we have received from other organisations, including other schools, Sunderland City Council and other local authorities, and the Department for Education.

2. Why we collect and use this information

Barnwell Academy is obliged to collect and use personal information about pupils and their families. We use pupil and parent data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral and medical care
- for safeguarding and pupil welfare purposes
- to administer school admissions waiting lists
- for research purposes
- to inform you about events and other things happening in the school
- to assess the quality of our services

- to comply with the law

3. The lawful basis on which we use this information

Our lawful basis for collecting and processing pupil information is defined under Article 6(1) of the GDPR, and the following sub-paragraphs apply:

a) Data subject gives consent for one or more specific purposes.
b) Processing is necessary for the performance of a contract.
c) Processing is necessary to comply with the legal obligations of the controller.
d) Processing is necessary to protect the vital interests of the data subject.
e) Processing is necessary for tasks in the public interest or exercise of authority vested in the controller (the provision of education).

Our lawful basis for collecting and processing pupil information is also further defined under Article 9(2) of the GDPR in that some of the information we process is sensitive personal information, for example, personal data relating to race or ethnic origin, religious beliefs, data concerning health) and the following sub-paragraphs in Article 9(2) of the GDPR apply:

a) The data subject has given explicit consent to the processing
b) Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the school or of pupils and their parents
c) Processing is necessary to protect the vital interests of the data subject

f) Processing is necessary for the establishment, exercise or defence of legal claims
g) Processing is necessary for reasons of substantial public interest
h) Processing is necessary for the purposes of preventative or occupational medicine and the provision of health or social care or treatment.
i) Processing is necessary for reasons of public interest in the area of public health

A full breakdown of the information we collect on pupils and parents and the lawful basis can be requested from the school office.

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.

4. 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. 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.

5. Storing pupil data

We have robust data protection policies and procedures in place to protect the personal information that we hold about you and your child(ren), which are regularly reviewed. Further information about our data protection polices can be found on our website or by contacting the school office.

We hold pupil data whilst your child remains at Barnwell Academy. The file we hold about your child will follow them when they leave our school. However, where there is a legal obligation to retain information about your child once he/she has left our school, it will be retained in line with our Records Management and Disposal of Records Schedule. Full details of data retention periods adopted by Barnwell Academy

can be found in the Disposal of Record Schedule, which is accessible on our school website (https://www.barnwellacademy.co.uk/Academy-Life/Data-Protection/) or by contacting the school office.

6. Who we share pupil information with

We routinely share pupil information with appropriate third parties, including:

- Sunderland City Council and other local authorities – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions
- The Department for Education
- The pupil's family and representatives
- Educators and examining bodies
- Ofsted
- Suppliers and service providers to enable them to provide the service we have contracted them for or for the purposes of helping school to deliver the national curriculum
- Financial organisations
- Central and local government
- Our auditors
- Survey and research organisations
- Health authorities
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Professional bodies
- Schools that the pupil's attend after leaving us

Where we transfer personal data to a country or territory outside the UK, we will do so in accordance with UK data protection law. When transferring personal information outside the UK, we will:

- include the standard contractual data protection clauses approved by the European Commission for transferring personal information outside the UK into our contracts with those third parties (these are the clauses approved under Article 46.2 of the General Data Protection Regulation (GDPR)); or
- ensure that the legal framework in the country in which your personal information will be handled has been assessed as providing adequate protection for individuals' rights and freedoms for their personal data by the UK Government.

You can find out further information about the rules on data transfers outside the UK, including the mechanisms that we rely upon, on the website of the UK Information Commissioner's Office https://ico.org.uk/

7. 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 may share information with third parties that contract with DfE

We are required to share information about our pupils, or former pupils, with the DfE under section 5 of The Education (Information about Individual Pupils) (England) Regulations 2013.

8. 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) visit: https://www.gov.uk/education/data-collection-and-censuses-for-schools.

9. 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.

DfE 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 DfE 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 the 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 DfE data sharing process, please visit: https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

For information about which organisations the DfE has provided pupil information, (and for which project), please visit the following website: https://www.gov.uk/government/publications/national-pupil-database-requests-received

You can contact the DfE for further information using the hyperlink https://www.gov.uk/contact-dfe

10. Requesting access to your personal data and your Data Protection Rights

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold, through a Subject Access Request (SAR)

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.

Parents have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and we hold information about you or your child, we will:

- 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 or your child
- 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

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

To make SAR for your personal information, or the personal information of your child(ren), contact the school office on *Barnwell.primary@schools.sunderland.gov.uk*. A Subject Access Request form can also be found on our school website (https://www.barnwellacademy.co.uk/Academy-Life/Data-Protection/).

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 direct marketing
- Object to decisions being taken by automated means
- In certain circumstances, have inaccurate or incomplete personal data rectified, blocked, restricted, erased or destroyed.
- claim compensation for damages caused by a breach of the Data Protection regulations

11. Requesting access to your child's educational record

Parents have a right of access to their child's educational record under the Education (Pupil Information) (England) Regulations 2005. However, this legislation applies only to maintained schools and not to academies. Requests to access a child's education record will be handled under the Subject Access Request (SAR) process.

12. 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 the Headteacher in the first instance.

You can also contact the school's Data Protection Officer if you have any questions, concerns or would like more information about anything mentioned in this privacy notice.

Data Protection Officer (for Schools)
Sunderland City Council
City Hall
Plater Way
Sunderland
SR1 3AA

Tel: 07769 672633
Email: data.protection@sunderland.gov.uk

Alternatively, you can raise a concern or complaint with the Information Commissioner's Office (ICO). The ICO can be contacted on 0303 123 1113, Monday to Friday 9am – 5pm.

You can also report concerns and make complaints online via https://ico.org.uk/make-a-complaint/

13. Where can you find out more information?

If you would like to find out more information about how we collect, use and store your personal data, please visit our website (https://www.barnwellacademy.co.uk/Academy-Life/Data-Protection/) where you can view or download copies of our data protection policies and procedures.