



Nailsea School

# Privacy Notice for Pupils and Parents/Carers

Headteacher Mrs D. Elliott

## The Data Protection Act 1998 and the General Data Protection Regulation: How we use your information

### Why we collect and use pupil information

We collect and use pupil information under GDPR Article 6 - Lawfulness of processing

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes; for example, permission for use of photos on the school marketing/social media
- 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;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- 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;

And under Article 9 - Processing of special categories of personal data, processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

We use the pupil data in a number of ways to support the learning and support of pupils in our care 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 (such as providing census information to the Department for Education)

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

- Personal information (such as name, 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 absence reasons)
- Assessment information (such as examination data and progress reports)
- Relevant medical information (such as condition, medication)
- Special educational needs information (such as specific needs and interventions/agency involvement, strategies to enhance learning)
- Exclusions / behavioural information (such as governor panels, other agency involvement)
- Post 16 learning information (such as where further courses of study are undertaken, if not at Nailsea School)
- CCTV

## The lawful basis on which we use this information

We collect and use pupil information under Education Act 1996, the Data Protection Act 1998 and the General Data Protection Regulation. The submission of the school census returns, including a set of named pupil records, is a statutory requirement on schools under Section 537A of the Education Act 1996. Information will be collated and used, subject to at least one of the following applying:

- the pupil/parent/carer has given consent to the processing of his or her personal data for one or more specific purposes
- the information is necessary for the purpose of educating and support the pupil in Nailsea School, or to consider educating and supporting the pupil at Nailsea School
- the information is necessary in order for the school to comply with our legal obligations
- the information is necessary in order to protect the vital interests of the pupil or individual
- the information is necessary for educational purposes, or the purposes vested in the school
- the information is necessary for the purposes of the legitimate interests of the school or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the pupil which require protection of personal data

The processing of pupil's personal data is lawful where the pupil is at least 16 years old. Where the pupil is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the pupil.

## 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 whilst at Nailsea School, and retain these personal records in a secure, archived store for the time specified in the school's Data Retention Policy.

## Who we share pupil information with

We routinely share pupil information with:

- Schools or colleges that the pupil's attend after leaving us
- North Somerset Council
- the Department for Education (DfE)
- inter-agencies working alongside the school and the pupil, as appropriate

North Somerset Council is a partner in Connecting Care, a project which links social care information with health information.

The Connecting Care Local Record is a new way for staff who are directly involved in a child's care to share relevant information about their care in a way that is secure, controlled, consistent and efficient. It allows health and local council staff who are directly involved in a child's care access to a summary of existing records, such as those held by the GP, hospital or social care provider.

Staff who are directly involved in a child's care, will only access their record with a legitimate reason, and if they can, they will ask your permission before they look at it.

The Connecting Care Record will contain information such as:

- who is involved in a child's care;
- any allergies they have;
- medications;
- recent appointments (but only whether they were attended, this will not include any information about what was discussed at that appointment);
- diagnoses.

The Connecting Care record will not contain information about conversations with the GP or any information on sensitive subjects such as sexual health. Staff who have a responsibility for designing services to improve children's general well-being will also have access to relevant information from the record. The detail that staff can see is linked to the job they do. If for their job they don't need to see specific information, they cannot see it.

If you require further information about Connecting Care please contact PALS 0800 073 0907, or visit <https://www.connectingcarebnssg.co.uk>

### 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 the (DfE) under regulation 5 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>.

### Youth support services

#### Pupils aged 13+

Once our pupils reach the age of 13, we also pass pupil information to North Somerset Council 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

A parent or guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child/pupil once he/she reaches the age 16.

#### Pupils aged 16+

We will also share certain information about pupils aged 16+ with 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:

- post-16 education and training providers
- youth support services
- careers advisers

For more information about services for young people, please visit [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk).

### 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. 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, please go to <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 Simon Britnell, Network Manager in the first instance on [sbritnell@nailseaschool.com](mailto:sbritnell@nailseaschool.com)

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, we request that you raise your concern with us in the first instance. Alternatively, you can contact 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 Simon Britnell, Network Manager on [sbritnell@nailseaschool.com](mailto:sbritnell@nailseaschool.com), who can put you in touch with our designated Data Protection Officer, if required.