


# **Buckler's Mead Academy**



## **Policy Document**

### **Privacy Policy (Learners)**

Policy Title:	Privacy Policy
Responsible Person:	Business Manager / Matt Wood
Document Reference:	NPOL/SLT0319/029
Date Produced/Reviewed:	Reviewed March 2019
Recommended by (Advisory Group / Committee / SLT):	SLT
Date Adopted:	April 20
Date published on website (if applicable):	May 2020
Signed By:	 ..... Chair of Directors
Review Frequency:	Annually
Review Term:	Summer 2021
<b><i>Please note: The version of this document contained within the 'Policy Documents' Folder on BMStaff (T:\Admin\Policies and Procedures) is the only version that is maintained.</i></b>	

# Privacy Notice (How we use student information)

The categories of student information that we process include:

- personal identifiers and contacts (such as name, unique student number, contact details and address)
- characteristics (such as ethnicity, language, and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- 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 (post 16 courses enrolled for and any relevant results)
- behavioural information (such as exclusions and any relevant alternative provision put in place)
- biometric finger print information (for the academy's cashless catering system)
- CCTV footage

This list is not exhaustive, to access the current list of categories of information we process please see our data asset register.

## Why we collect and use student information

The personal data collected is essential in order for the school to fulfil their official functions and meet legal requirements.

We collect and use student information, for the following purposes:

- support student learning
- monitor and report on student progress
- moderate teacher assessment judgements
- provide appropriate pastoral care and support services
- assess the quality of our services
- comply with the law regarding data sharing
- support you to decide what to do after you leave school (if applicable)
- support or improve educational provision
- ensure no children are missing education
- support children at risk of permanent exclusion
- support the primary, secondary and in-year admissions process
- safeguard children and young people
- improve the education and services we provide
- meet the statutory duties placed upon us for DfE data collections
- to keep children safe (food allergies, or emergency contact details)

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

- **Article 6 (c) Legal obligation:** the processing is necessary for us to comply with the law. We collect and use student information under section 537A of the Education Act 1996, section 83 of the Children Act 1989.
- **Article 6 (f) Legitimate interests:** the processing is necessary for our legitimate interests or the legitimate interests of a third party.
- For some data processing where there is no legal obligation or legitimate interest for the school to collect and use the data, we will ask for parental consent under **Article 6 (a) Consent:** the individual has given clear consent for us to process their personal data for a specific purpose

Some information we process will be Special Category data under Article 9 of GDPR. We will rely on the legal basis of **Article 9 (g)** processing is necessary for reasons of substantial public interest.

### **How we collect student information**

We collect student information through annual data collection forms, registration forms at the start of the school year or Common Transfer File (CTF) or secure file transfer from previous school.

Student data is essential for the schools' operational use. Whilst the majority of student 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 student information to us or if you have a choice in this.

### **How we store student data**

We hold student data securely for the set amount of time shown in our data retention schedule which is based on guidance from the Information and Records Management Service (IRMS) <https://irms.org.uk/page/SchoolsToolkit>  
 We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. We also have procedures in place to deal with any suspected data security breach. We will notify you and the Information Commissioner's Office of a suspected data security breach where we are legally required to do so.

### **Who we share student information with**

We routinely share student information with:

- schools that the students attend after leaving us
- Somerset Local Authority
- commissioned providers of Somerset Local Authority services (such as agencies supporting Looked After Children)
- partner organisations signed up to the Somerset Local Authority Data Sharing Agreement, where necessary, which may include Police, school nurses, doctors and mental health workers and the NHS
- youth support services (students aged 13+)

- the Department for Education (DfE)
- Schools in our local collaboration, to enable the moderation of student assessment outcomes, to support collaborative working through joint analysis, and ensure children continue to receive appropriate education provision
- Third-party providers of information services (such as student apps) where consent has been given
- Contracted providers of services (such as school photographers and catering providers) where consent has been given
- Local companies to facilitate student work experience companies where consent has been given

We will share personal information with law enforcement or other authorities if required by applicable law.

### **Why we regularly share student information**

We do not share information about our students with anyone without consent unless the law and our policies allow us to do so.

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 students with the Department for Education (DfE) either directly or via Somerset Local Authority for the purpose of those data collections. We are required to share information about our students with the (DfE) under regulation 5 of The Education (Information About Individual Students) (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.

### **Youth support services**

#### **Students aged 13+**

Once our students reach the age of 13, we also pass student 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

The information shared is limited to the child's name, address and date of birth. However, where a parent or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the child / student once they reach the age 16.

Data is securely transferred to the youth support service via secure email and is stored securely and held for the appropriate retention period.

#### **Students aged 16+**

We will also share certain information about students 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

Data is securely transferred to the youth support service via a secure file transferring system and is stored within local authority software.

For more information about services for young people, please visit our local authority website <http://www.somerset.gov.uk/childrens-services/youth-services>

### **Department for Education**

We are required to share information about our students with the Department for Education (DfE) either directly or via our local authority for the purpose of data collections, under:

- Section 537A of the Education Act 1996
- 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 (Student Registration) (England) (Amendment) 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 students 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 the school. We will provide your child's educational record within 15 school days, and any further information we hold within 30 days.

You also have the right to:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

If you have a concern or complaint 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/>  
For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

### **Withdrawal of consent and the right to lodge a complaint**

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting the Business Manager email [office@bucklersmeadacademy.com](mailto:office@bucklersmeadacademy.com)

### **Last updated**

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time. This version was last updated on 28 February 2019.

### **Contact**

If you would like to discuss anything in this privacy notice, please contact:

- The Business Manager at the Academy
- Our local authority <http://www.somerset.gov.uk/contact-us>

### **How Government uses your data**

The student 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 Student 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)

### **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 Student Database (NPD)**

Much of the data about students in England goes on to be held in the National Student Database (NPD).

The NPD is owned and managed by the Department for Education and contains information about students 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-student-database-user-guide-and-supporting-information>

### *Sharing by the Department*

The law allows the Department to share students' 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 students per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department has provided student 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-sha>

### **How to find out what personal information DfE hold about you**

Under the terms of the Data Protection Act 2018, 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 below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

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