

Privacy Notice Parents/Carers

Privacy Notice for Parents/Carers

Under UK data protection requirements, General Data Protection Regulation (GDPR) and Data Protection Act 2018, individuals have a right to be informed about how the school uses any personal data. The school complies with this requirement by providing 'privacy notices' (sometimes called 'fair processing notices') to inform individuals about how their personal data will be processed.

This privacy notice explains how the school collects, stores and uses personal data about students and their families.

Who processes your information?

The William Henry Smith Foundation is the data controller of the personal information provide. This means the school determines the purposes for which, and the manner in which, any personal data relating to students 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 school to share your data. Where the school outsources data to a third-party processor, the same data protection standards that the school upholds are imposed on the processor.

Why does the school collect personal data on students?

The William Henry Smith Foundation has the legal right to collect and use personal data relating to students and their families, and it may also receive information regarding them from their previous school, Local Authority (LA) and/or the Department for Education (DfE). The school will collect and use personal data in order to meet legal requirements and legitimate interests set out not only in the UK data protection requirements but also:

- Education Act 1996
- Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013

In accordance with the above, the personal data of students and their families is collected and used for the following reasons:

- a) To support student learning
- b) To monitor and report on student attainment progress
- c) To provide appropriate pastoral care
- d) To assess the quality of our services
- e) To keep children safe (food allergies, or emergency contact details)
- f) To meet the statutory duties placed upon us for DfE data collections
- g) To facilitate school trips and activities
- h) To provide counselling services as required
- i) To safeguard students

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

What data is collected?

The categories of student information that the school collects, holds and shares include but are not restricted to the following:



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- 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 and Additional 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 and absence reasons)
- Assessment and attainment (such as key stage 2 and 3 results, post 16 courses enrolled for and any relevant results)
- Behavioural information (such as exclusions and any relevant alternative provision put in place)
- Trips and activities (dietary needs, medical needs and history and in some cases for overseas trips - passport numbers, birth certificates and divorce and marriage certificates for visas)
- Catering (free school meal entitlement and purchase history)
- ID Management (photographs and names for identification badges)
- Biometric information (door entry)
- CCTV footage (safety and security)

When collecting data, the school will inform you if your consent is needed. Where consent is required, the school will provide you with specific and explicit information with regards to the reasons the data is being collected, how the data will be used and how consent can be withdrawn.

The lawful basis on which the school will use personal data

The school will use a lawful basis to collect and use personal data. Most commonly, the school will use it where it needs to:

- comply with a legal obligation
- perform an official task in the public interest

Less commonly, the school may also process personal data in situations where:

- you have given consent to use it in a certain way
- the school needs to protect the individual's vital interests (or someone else's interests)

Some of the reasons listed above for collecting and using personal information overlap, and there may be several grounds which justify the school's use of your data.

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

Legal Obligation: Article 6(1)(c) of the GDPR for any statutory processing which is necessary for compliance with a legal obligation to which the we are subject. This relates to tasks (e) (f) and (g) and includes the following statutory guidance:

The William Henry Smith Foundation has the legal right to collect and use personal data relating to students and their families, and it may also receive information regarding them from their previous school, Local Authority (LA) and/or the Department for Education (DfE). The school will collect and use personal data in order to meet legal requirements and legitimate interests set out not only in the UK data protection requirements but also:

- Section 537A of the Education Act 1996
- The Education Act 1996 S29(3)



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- 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
- Education and Skills Act 2008
- DfE Keeping Children Safe in Education Guidance 2016
- DfE Working Together to Safeguard Children (2015)
- The Management of Health & Safety at Work Regulations 1999
- Regulatory Reform (Fire Safety) Order 2005 England and Wales
- Health and Safety at Work Act 1974
- The Disability Discrimination Act 1995

‘Public Task’: Public interest or in the exercise of an official authority vested in us Article 6(1)(e) of the GDPR.

This relates to tasks (a) (b) (c) (g) and (h). This includes any process which is for necessary for the exercise of a task we have termed our ‘Statement of Public Task’, which is based on The curriculum requirements of section 78 of the Education Act 2002: Statement of Public Task: "To deliver a balanced and broadly based curriculum which - promotes the spiritual, moral, cultural, mental and physical development of students at the school and society, and prepares students for the opportunities, responsibilities and experiences of later life. This includes school trips and activities; and where appropriate counselling services". In addition, concerning any special category data we use Article 9(2)(g) of the GDPR and Schedule 1 Part 2 of the Data Protection Act 2018 in relation to statutory and government purposes, equality or opportunity of treatment and counselling.

Vital Interests: Article 6(1)(d) of the GDPR. Where the vital interests of a child are at risk we will use Vital Interests as a lawful basis. This relates to task (i). Where a vital interest is protected we will use Article 9(2)(c); and Article 9(2) (h) and (i) for the purposes of a medical diagnosis or reasons of public health.

If we need to seek consent, we will obtain this under Article 6(1)(a) Consent and section 9(2)(a) Explicit Consent for Special Category Data.

How we collect student information

We collect student information via:

- Data Collection Sheet at the start of each academic year
- Common Transfer Form (CTF) which is a secure file containing relevant information sent to us from the child’s 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.

Storing personal data

Personal data relating to students at The William Henry Smith Foundation and their families is stored in line with the school’s Data Protection Policy which can be found on the school website.

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely. For example, the school will shred or incinerate paper-based records and override electronic files. The school may also use an outside company to safely dispose of electronic records.



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Why the school may share student information?

The school is required to share students' data with the DfE on a statutory basis.

The National Pupil Database (NPD) is managed by the DfE and contains information about students in schools in England. The school is required by law to provide information about our students 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 DfE may share information about our students from the NPD with third parties who promote the education or wellbeing 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 any data shared from the NPD is maintained. The school also routinely shares students' information with:

- Schools that the pupil's attend after leaving us
- Our Local Authority
- The Department for Education (DfE)
- Ofsted
- Colleges and External providers attended by the students
- Work Experience providers
- Social Workers
- Police
- Any agencies involved with student/family
- CAMHS
- Medical Professionals
- YOT
- Future schools
- Exams Boards
- Family Support Team
- Back up companies (IT/Microsoft)
- Specialist Tutors bought in by School as required i.e languages, music, literacy and numeracy etc

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)

Aged 14+ qualifications

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupil's learning or qualifications



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Why we 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.

We share students' 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 students with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Students) (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>

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

- Section 537A of the Education Act 1998
- The Education Act 1996 S29(3)
- The Education (School Performance Information) (England) Regulations 2007
- Regulations 5 and 8 of School Information (England) Regulations 2008
- 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.

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.



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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/dfeexternal-data-shares>

Youth support services

What is different about 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

A parent/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/student once he/she reaches the age of 16.

Our 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 our local authority website.

The school also uses various systems, such as assessment and reporting software, communication systems and curriculum software that may process pupil and family information. As the data controller the school will ensure that processors meet and uphold the required data protection standards. An up-to-date list of these third parties can be found on the school website.

Parent and pupil rights regarding personal data

Individuals have a right to make a '**subject access request**' to gain access to personal information that the school holds about them. Parents/carers can make a request with respect to their child's data. Parents also 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 if the school does hold information about you or your child, the school will:

- give you a description of it
- tell you why the school is holding and processing it, and how long it will be kept for
- explain where the school 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



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

If you would like to make a subject access request please contact Lisa King, Head of Central Services on 01484 710123.

Parents/carers also have a legal right to access to their child's educational record. To request access, please contact the school office.

Other rights regarding personal data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- object to the use of personal data if it would cause, or is causing, damage or distress
- object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- in certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact the Head of Central Services via the school office.

Complaints

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

Alternatively, you can contact our DPO :

External Data Protection Officer: Judicium Consulting Limited

Address: 5th Floor, 98 Theobalds Road, London, WC1X 8WB

Email: dataservices@judicium.com

Web: www.judiciumeducation.co.uk

Telephone: 0345 548 7000 opt 1, then opt 1

Alternatively, you can make a complaint to the Information Commissioner's Office:

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

Where can you find out more information?

If you would like to find out more information about how we use and store your personal data, please visit our website www.whsschool.org.uk to view our Data Protection Policy.

To find out more about the pupil information the school shares with the DfE, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.



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