Privacy Notice for Pupils

(How we use pupil information)

Applicable to those with parental responsibility and pupils aged 13 and over

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Agreed and Signed by Chair of Governors	[Insert Electronic Signature]
Name	Dr Phil Cowans

School supported by:

the ict service.

GDPR DPO Service provided by The ICT Service

dpo@theictservice.org.uk | **01223 752111**
www.theictservice.org.uk/gdpr-dpo-service

Training available upon request

Privacy Notice for Pupils

Under Data Protection Law, individuals have a right to be informed about how Cherry Hinton Church of England Primary School and Nursery uses any personal data that we hold about them. We comply with this right by providing privacy notices to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **pupils**.

We, Cherry Hinton Church of England Primary School and Nursery are the 'Data Controller' for the purposes of data protection law.

Our Data Protection Officer is **The ICT Service** (see '**Complaints**' / **Contact us**' towards the end of this notice).

The categories of pupil information that we process includes:

Personal data that we may collect is essential for the school to fulfil its official functions and meet legal requirements. Personal data that the school may use, store and share (when appropriate) about students/pupils includes, but is not restricted to:

- Contact details, contact preferences, date of birth, identification documents
- Assessment and attainment (such as phonics results, end of key stage data, termly tracking, post 16 courses enrolled and any relevant results)
- Pupil and curricular records
- Characteristics (such as ethnicity, language and free school meals eligibility)
- Special educational needs (including the needs and ranking)
- Behavioural information (such as exclusions and any relevant alternative provision put in place)
- Medical administration (such as doctors' information, child health, dental health, allergies, medication and dietary requirements)
- Attendance information (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- Safeguarding information (including court orders and professional involvement)
- Details of any support received, including care packages, plans and support providers
- Photographs (where we have current consent requirements in place)

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

Why we collect and use pupil information:

We use this data to:

- Support student/pupil learning
- Monitor and report on student/pupil progress
- Provide appropriate pastoral care
- Protect student/pupil welfare
- Assess the quality of our services
- To keep children safe (food allergies, or emergency contact details)

- Administer admissions waiting lists
- Carry out research
- Comply with the law regarding data sharing
- To meet the statutory duties placed upon us for the Department for Education (DfE) data collections

Under the **UK General Data Protection** law (UK GDPR), we only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where:

- We need to comply with a legal obligation.
- We need it to perform an official task in the public interest.

Less commonly, we may also process pupils' personal data in situations where:

- We have obtained consent to use it in a certain way.
- We need to protect the individual's vital interests (or someone else's interests).

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. Consent will usually be sought from pupils aged over the age of 13 but from Parents / Carers if the child is younger than that, or if the pupil is not considered mature enough to understand their rights over their own data.

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.

Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data without your consent, you have the right to withdraw that consent. If you change your mind or are unhappy with our use of your personal data, please let us know by contacting **office@cherryhinton.cambs.sch.uk**

Our basis for using Special Category data (Article 9 – UK GDPR | Fieldfisher):

For 'Special Category' data, we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in Data Protection Law:

- We have obtained explicit consent to use the special category personal data in a certain way.
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law.
- We need to protect an individual's vital interests (i.e. protect a child's life or someone else's life), in situations where they are physically or legally incapable of giving consent.
- The data concerned has already been made manifestly public by the data subject.
- We need to process it for the establishment, exercise or defence of legal claims.
- We need to process it for reasons of substantial public interest as defined in legislation.
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law.

- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law.
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing 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. Conditions include:

- We have obtained consent to use it in a specific way.
- We need to protect an individual's vital interests (i.e. protect a child's life or someone else's life), in situations where they are physically or legally incapable of giving consent.
- The data concerned has already been made manifestly public by the data subject.
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights.
- We need to process it for reasons of substantial public interest as defined in legislation.

Collecting pupil information:

We collect and generate pupil information in a variety of ways including, but not limited to:

- Registration and application forms
- MIS Data collection
- Via Common Transfer File or secure file transfer from a previous school
- In the process of carrying out our duties in the public interest

While most of the information we collect about pupils is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from a Pupil or their Parent / Carer, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

Pupil data is essential for the schools' operational use. Whilst most of the pupil information you provide to us is mandatory, some of it requested on a voluntary basis. To comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this.

Storing pupil data:

We keep personal information about students/pupils while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary to comply with our legal obligations. Pupil data is held securely for the set amount of time shown on our retention schedule. Our current retention schedule is available upon request from the school office.

Data sharing (who we share data with):

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

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about pupils with:

- Our Local Authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions and to ensure that it can carry out its statutory duties.
- Schools our pupils are moving to – to help us support our pupils who are moving to another school by easing the transition process.
- The Department for Education – to meet our legal obligations to share certain information with it.
- The pupil's family and representatives – to provide regular reports on the pupil's progress and to ensure the pupil's safety whilst at school.
- Educators and examining bodies – to meet our legal obligations and allow the pupil to be entered for assessments.
- Ofsted – to meet our legal obligations.
- Suppliers and service providers – to enable them to provide the service we have contracted them for.
- Survey and research organisations – to help us fulfil our public task.
- Health authorities – to meet our legal obligation to keep our pupils safe.
- Health and social welfare organisations – to meet our legal obligation and to protect the pupils.
- Professional advisers and consultants – to help us fulfil our public task.
- Charities and voluntary organisations - to help us fulfil our public task and to protect the pupils.
- Police forces, courts, tribunals – to meet our legal obligations to share information with them.

Transferring data internationally:

Where we transfer personal data to a country or territory outside the United Kingdom, we will do so in accordance with Data Protection Law.

How Government uses your data

The pupil data that we lawfully share with the Department for Education (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 SATs / GCSE results or Pupil Progress measures).
- Supports 'longer term' research and monitoring of education 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 (DfE) (for example; via the school census) go to
https://www.gov.uk/education/data-collection-and-censuses-for-schools

DfE Data transfers and data security

All data is transferred securely and held by the Department for Education (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.

For privacy information on the data the Department for Education collects and uses, please see: **Privacy information: early years foundation stage to key stage 3 - GOV.UK**

National Pupil Database

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census and early years' census.

Some of this information is then stored in the **National Pupil Database** (NPD), which is owned and managed by the Department for Education and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with other organisations which promote children's education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use the data.

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

Sharing by the Department for Education (DfE)

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 promotion of the education or wellbeing of children in England
- Other government departments and agencies
- Organisations fighting or identifying crime

For more information about the Department for Education's (DFE) NPD data sharing process, please visit:

https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

You can also **contact the Department for Education** with any further questions about the NPD.

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 for Education (DfE) 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

How to find out what personal information the Department for Education (DfE) holds about you.

Under the terms of the UKGDPR, you are entitled to ask the Department for Education (DfE)

- 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 for Education (DfE), you should make a **'subject access request'**. Further information on how to do this can be found within the Department for Education's (DfE) personal information charter that is published at the address below:

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

or

https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights

To contact the Department for Education (DfE): https://www.gov.uk/contact-dfe

Parents and Pupils' rights regarding personal data at Cherry Hinton Church of England Primary School and Nursery:

Pupils have a right to make a **'subject access request'** to gain access to personal information that the school holds about them (if the data subject is over 13 years old).

Parents / Carers will usually be expected to make a request with respect to their child's data where the child's age (usually under the age of 13) or Special Needs mean the child is not mature enough to understand their rights over their own data, or alternatively where the child has provided consent for them to make the request.

If a valid subject access request is made, and if we do hold data about the pupil, 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
- Give you a copy of the information in an intelligible form

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

Parents/carers also have a legal right to access to their child's **Educational Record** (maintained settings only). To request access, please contact the school office via email office@cherryhinton.cambs.sch.uk

For more information about **Subject Access Rights**, please refer to our school's data protection policy.

For more information about subject access requests, you may find the following link useful:
Data protection in schools - Dealing with subject access requests (SARs) - Guidance - GOV.UK

Other rights:

Under Data Protection Law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- To have your personal data rectified, if it is inaccurate or incomplete
- To request deletion or removal of personal data where there is not a 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 purely on automated processing where it produces a legal or similarly significant effect on you

To exercise any of these rights, please contact Rebecca Simpkin Smith via the school office office@cherryhinton.cambs.sch.uk

These rights can be exercised by a Parent / Carer on behalf of a child on the same basis that they may make a Subject Access Request.

There are legitimate reasons why we may refuse your information rights request, which depends on why we are processing it. For example, some rights will not apply:

- right to erasure does not apply when the lawful basis for processing is legal obligation or public task.
- right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests.
- right to object does not apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don't haven't the right to object, but you have the right to withdraw consent.

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the '**How Government uses your data**' section of this notice.

Complaints

We take 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 in the first instance.

To make a complaint, please contact Rebecca Simpkin Smith via the school office office@cherryhinton.cambs.sch.uk

Current guidance states that you should either contact the school and request a copy of their Data Protection 'Complaints' form (this could be online or in word format), alternatively you could consider using the template located using the following url: **How to make a data protection complaint to an organisation | ICO**. The school has one month (30 days) to respond to your complaint.

Thereafter, if for whatever reason you are still dissatisfied with their decision, then you should contact the Information Commissioner's Office (ICO):

- Report a concern online at **Make a complaint about data protection and personal information | ICO**
- Call 0303 123 1113 or live chat on **Advice services for members of the public | ICO**
- Or write to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

You can also contact our Data Protection Officer:

The ICT Service
Email: **dpo@theictservice.org.uk**
Tel: 01223 752111 option 4
Address: South Cambridgeshire Hall, Cambourne Business Park, Great Cambourne, Cambourne, Cambridge, CB23 6EA

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the '**How Government uses your data**' section of this notice.

Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact:

Rebecca Simpkin Smith via the school office office@cherryhinton.cambs.sch.uk

*This notice is based on the **Department for Education's model privacy notice** for Pupils, amended to reflect the way we use data in this school.*