

How we use pupil and parent information

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

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

We, William Austin Junior School are the 'data controller' for the purposes of data protection law.

Our Data Protection Officer is Zoë Bulmer, who can be contacted at: feedback@luton.gov.uk.

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

- Personal information (such as name, date of birth, 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)
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Assessment and attainment information, including special educational needs information, if relevant
- Safeguarding information
- Relevant medical information including information on disabilities and physical and mental health
- Covid 19 information
- Special Needs information
- Behavioral information
- Post 6 learning information
- Exclusion information
- Details of any support received, including care packages, plans and support providers
- Photographs and video

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

Why we collect and use this information

We use data collected:

- to support learning
- to provide extra-curricular activities
- to monitor and report on progress
- to provide appropriate pastoral care
- to protect pupil welfare
- to assess the quality of our services
- to assess equalities
- to comply with safeguarding obligations
- to comply with the law regarding data sharing
- to comply with the law regarding health and safety
- to share data for statutory inspections and audit purposes

- to protect public health
- to comply with other legal duties

The lawful basis on which we use this information

We only collect and use personal data when the law allows us to. We are required to share information with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

Most commonly, we process data where:

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

We may also process 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.

Some of the reasons listed above for collecting and using personal data overlap, and there may be several grounds which justify our use of this data.

Collecting this Information

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

Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

How we store this Data

We keep personal information about pupils and parents/guardians while a child is attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. Our record retention schedule is available on our website.

Why we share information

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

Who we share information with

We share information with:

- Our local authority – 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

- Our regulator - Ofsted
- Suppliers and service providers – where necessary to enable them to provide the service we have contracted them for
- Health and social welfare organisations
- Professional advisers and consultants, e.g. local authority educational adviser, SEND specialist teaching team etc.
- Other schools, for example to facilitate the transition of pupils from one school to another, or staff from other schools moderating the work of our own staff and sharing best practice
- TFU – e.g. registers, injuries sustained during the school day
- After-School clubs – e.g. registers and collection arrangements
- Police forces, courts, tribunals
- online education providers
- support staff
- NHS
- Public Health England

Data Sharing with Luton Borough Council

William Austin Junior School have signed up to “Luton Borough Council and Luton Schools Early Years and Education Services Information Sharing Agreement”. This is to facilitate sharing of personal and sensitive (special category) data between Luton Borough Council and Luton Schools. Data will be shared primarily via the Council’s IT system for Education called Early Years and Education Services (EYES). The information will be used as per current purposes to assess / support / provide statutory services / early help and intervention. The deployment of the EYES module within Liquidlogic will provide a single platform for Early Help, Social Care and Education Services enabling a ‘one family one view’ integrated platform.

Legal Framework for Information Exchange

The following key documents provide the main framework for information sharing:

- **GDPR & Data Protection Act 2018** – The main legislative framework for confidentiality and information sharing issues. The legislation stipulates the principles that must be followed when personal or special category data is processed by organisations. The legislation stipulates the conditions under which information may be shared.
- **Human Rights Act 1998** – This Act incorporates Article 8 of the European Convention of Human Rights which provides that everyone has the right to respect for their private and family life, home and correspondence.
- **Children Act 1989 & 2004** -The Acts stipulate requirements to safeguard and promote children's welfare, along with agencies working together to enable this.
- **Working Together to Safeguard Children 2018** - statutory guidance setting out what organisations and agencies that have functions relating to children, must and should do to safeguard and promote the welfare of all children and young people under the age of 18 in England.
- **Keeping Children Safe in Education 2021** - The guidance sets out what *schools* and colleges in England must do to safeguard and promote the welfare of *children* and young people under the age of 18.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1021914/KCSIE_2021_September_guidance.pdf

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 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>.

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

Transferring Data Internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

Requesting access to your 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/guardians 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 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 we do hold information about you or your child, we will respond within one month of receiving the request. Complex cases may take longer.

Parents/carers also have a legal right to access to their child's **educational record** under The Education (Pupil Information) (England) Regulations 2005. To request access, please contact the school.

Under data protection legislation, parents and pupils 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

To exercise any of these rights, please contact our data protection officer.

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 us in the first instance.

To make a complaint, please contact our data protection officer.

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 5AF

Contact

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

Mrs S Bacon – Business and Resources Manager

The school's Data Protection Officer is Zoë Bulmer who can be contacted at feedback@luton.gov.uk

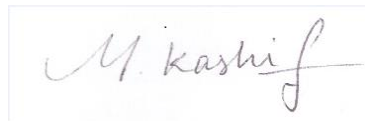
This policy will be monitored and reviewed by the Governors on an annual basis.

Policy updated: March 22

Staff responsible: Sally Bacon

This policy was ratified by the Governing Body on: 25th May 2022

Signed on behalf of the Governing Body:



(signature)

M. Kashif - Chair of Governors

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