

# Oak

## Learning Partnership

# PRIVACY NOTICE FOR PUPILS



## Oak Learning Partnership Document: **Privacy Notice for Pupils**

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## **Purpose of the Notice**

On 25<sup>th</sup> May 2018 the General Data Protection Regulation (GDPR) came into force and replaced the Data Protection Act 1998. One of the requirements of this law is that Oak Learning Partnership Trust ('the Trust') has to let you know what data we collect, how, and why we need to collect it.

The Trust is required by law to collect and process personal data relating to all of its pupils. The Trust is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations. This Notice is to tell you how we collect, use and protect your personal data.

### **1. The Trust as Data Controller**

The Trust is a "data controller." This means that we are responsible for deciding how we hold and use personal information about pupils.

### **2. Type of Data Collected by the Trust**

The Trust collects and processes a wide range of information about your child. This includes:

- personal information such as their name, date of birth, unique pupil number and address;
- characteristics such as their ethnicity, language, nationality, country of birth and free school meal eligibility;
- attendance information such as the number of sessions they have attended, the number of absences and the reasons for those absence;
- assessment information such as their current pupil progress, their predicted progress and where appropriate data relating to any assessments, tests or exams they have undertaken;
- relevant medical information including any conditions or allergies your child may have, the need for epi-pens/medication, emergency contact and doctor's details;
- special educational needs information. This includes information about any particular needs that your child has, any funding that is received specifically for your child and any statements of individual need;
- behavioural information, which may include information about your child's general classroom behaviour including any awards gained, together with any detentions, fixed-term or permanent exclusions they have received;
- pastoral and safeguarding information, including notes on any home visits undertaken.

### **3. Purpose of Collecting and Using Personal Data**

The Trust uses personal data to:

- support pupil learning.
- monitor and report on pupil progress, enabling suitable interventions to be put in place where required.

- provide appropriate pastoral care and ensure your child has access to appropriate support.
- assess the quality of our services.
- keep children safe (food allergies, or emergency contact details)
- meet the statutory duties placed upon us by the Department for Education

#### **4. Legal Basis for Use of Personal Data**

We will only use your information when the law allows us to. Most commonly, we will use your information in the following circumstances: -

- consent: the individual has given clear consent to process their personal data for a specific purpose;
- contract: the processing is necessary for a contract with the individual;
- legal obligation: the processing is necessary to comply with the law (not including contractual obligations);
- vital interests: the processing is necessary to protect someone's life;
- public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law; and
- The Education Act 1996: for Departmental Censuses 3 times a year. More information can be found at: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

We need all the categories of information in the list above primarily to allow us to comply with legal obligations. Please note that we may process information without knowledge or consent, where this is required or permitted by law.

#### **5. Collecting Pupil Data**

Whilst the majority of 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. It is important that our pupils' personal information is accurate and current. Please keep us informed if your child's personal information changes whilst he or she is a pupil at one of our schools.

#### **6. Storing Pupil Data**

We hold pupil data for the duration your child is at the school. When your child transfers to secondary school, a copy of their school file will transfer with them.

#### **7. Sharing Data**

We routinely share pupil information with:

- The Department for Education (DfE) - on a statutory basis under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013;
- Ofsted;
- Other schools within the Trust;

- Other Schools that pupils have attended/will attend;
- NHS;
- Welfare services (such as social services);
- Law enforcement officials such as police, HMRC;
- Local Authority Designated Officer; Professional advisors such as lawyers and consultants;
- Support services (including insurance, IT support, information security); and
- The Local Authority.

Information will be provided to those agencies securely or anonymised where possible. The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

## **8. Why we Share Pupil Data**

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 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. To find out more about the data collection requirements placed on us by the Department for Education, for example the obligation on us to complete and return the school census, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

## **9. The National Pupil Database (NPD)**

The NPD is owned and managed by the DfE 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 DfE. 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 collections such as the school census and early year's 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 NPS, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The DfE 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 and guidance

The DfE 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 purposes 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 data.

For more information about the DfE'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 DfE has provided pupil information to, and for which project, please visit: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>.

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

## **10. 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 to be given access to your child's education record, contact the Headteacher or Data Protection Officer. 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 purposes 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 want to exercise any of the above rights, please contact the DPO in writing at [DPO@oaklp.co.uk](mailto:DPO@oaklp.co.uk).

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## 11. Contact Details

If you would like to discuss anything within this privacy notice or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with the Headteacher in the first instance.

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by the Headteacher, then you can contact the DPO on the details below: -

Data Protection Officer: Sheryl Cardwell

Data Protection Officer Email: [DPO@oaklp.co.uk](mailto:DPO@oaklp.co.uk)

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues at <https://ico.org.uk/concerns>.