

GDPR privacy notice for pupils and their families

BIRCHWOOD HIGH SCHOOL

Please note this document may need to be amended as the Information Commissioner's Office (ICO) issues updated guidance on the General Data Protection Regulation and once the Data Protection Bill is enacted.

Birchwood High School collects a lot of data and information about our pupils so that we can run effectively as a school. This privacy notice explains how and why we collect pupils' data, what we do with it and what rights parents and pupils have.

Privacy Notice (How we use pupil and *families' information)

Birchwood High School is a comprehensive secondary school operating as a Single Academy Trust. It is a "data controller" which means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to tell what we collect and why.

***Please note that the term Families refers to any person whom has been detailed as a Family member or a point of contact on the system. In agreeing to this privacy notice it is the responsibility of the person identifying the point of contact to inform them of the privacy notice and the Data Protection Policy**

We have a Data Protection Officer who is responsible for making sure we protect the information we hold about you and use it reasonably. Our Data Protection Officer is:

Mr Charles Gilbank

Contact details:

01279 655936

dpo@birchwoodhigh.org.uk

Who processes your information?

Birchwood High School is the data controller of the personal information you provide to us. This means the school determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed.

In some cases, your data will be outsourced to a third-party processor; however, this will only be done with your consent, unless the law requires the school to share your data. Where the school outsources data to a third-party processor, the same data protection standards that Birchwood High School upholds are imposed on the processor.

Why do we collect and use your information?

Birchwood High School holds the legal right to collect and use personal data relating to pupils and their families, and we may also receive information regarding them from their previous school, LA and/or the DfE. We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK law, including those in relation to the following:

- Article 6 and Article 9 of the GDPR

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

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

Pupil Information

Why do we collect and use pupil information?

We collect and use pupil information under the following lawful circumstances:

- where it is necessary for compliance with a legal duty;
- where processing is necessary to protect your vital interests or those of another person another person;
- where it is necessary for performing a task carried out in the public interest or in the exercise of official powers given to us.
- where we have your consent (we only need your consent if a. to c. above do not apply);

Sometimes the personal data we collect about pupils is sensitive personal data, for example:

- Information about your race or ethnicity
- Information about your sexual orientation
- Information about your health, including any medical condition, health and sickness records
- Information about child protection and safeguarding
- Genetic information and biometric data
- Information about your criminal record

We will only process sensitive personal data where:

- processing is necessary to protect your vital interests or those of another natural person where the you are physically or legally incapable of giving consent; and / or
- processing is necessary for reasons of substantial public interest, on the basis of EU or UK government law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject. and / or
- we have clear consent;

This information is not routinely collected about pupils and is only likely to be processed by the school in specific circumstances relating to particular pupils, for example, if a child protection issue arises, if a pupil is involved in a criminal matter or a child has a medical condition. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and / or the Police, medical professionals. Such information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

What we use pupil information for:

We use the pupil data to support our legal functions of running a school, in particular:

- to decide who to admit to the school;
- to maintain a waiting list;
- to support pupil learning;
- to monitor and report on pupil progress;
- to provide appropriate pastoral care;
- to assess the quality of our services;
- to comply with the law regarding data sharing;

- h. for the protection and welfare of pupils and others in the school;
- i. for the safe and orderly running of the school;
- j. to promote the school;
- k. to communicate with parents / carers.

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

- a. Personal information (such as name, unique pupil number and address);
- b. Characteristics (such as ethnicity, language, medical conditions, nationality, country of birth and free school meal eligibility);
- c. Attendance information (such as sessions attended, number of absences and absence reasons)
- d. assessment information,
- e. relevant medical information;
- f. post 16 learning information;

We collect information about pupils when they join the school and update it during their time on the roll as and when new information is acquired.

As the school has a cashless catering system, we also process biometric data about pupils. Please see our Data Protection Policy for more details about how we process biometric data

Collecting pupil information

Whilst the majority of pupil 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.

Where appropriate, we will ask for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to use photos or images of pupils on our website or on social media to promote school activities [or if we want to ask your permission to use your information for marketing purposes].

When pupils are deemed to be old enough to make their own decisions in relation to their personal data, we will ask them for their consent in these circumstances. This will usually be around the age of 13. Although parental consent is unlikely to be needed, we wish to take a collaborative approach so we will keep parents informed when we are approaching pupils for consent up to the age of 16.

Pupils who are mature enough to make their own decisions about their personal data may withdraw consent if consent has previously been given.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and pupils. CCTV footage may be referred to during the course of disciplinary procedures (for staff or pupils) or investigate other issues. CCTV footage involving pupils will only be processed to the extent that it is lawful to do so. Please see our CCTV policy for more details.

Storing pupil data

We hold pupil data for only for as long as it necessary. Different types of data can be held for different lengths of time. Please refer to our Data Retention Schedule available on the schools website.

A significant amount of personal data is stored electronically, for example, in SIMS, our Management Information System (MIS) database. Some information may also be stored in hard (paper) copy format.

Data stored electronically may be saved on a cloud based system which may be hosted in a different country.

Personal data may be transferred to other countries if, for example, we are arranging a school trip to a different country. Appropriate steps will be taken to keep the data secure.

Who do we share pupil information with?

We routinely share pupil information with:

- schools that pupils attend after leaving us;
- our local authority (Hertfordshire County Council);
- a pupil's home local authority (if different);
- the Department for Education (DfE);
- school governors / trustees;
- exam boards;

From time to time, we may also share pupil information with other third parties including the following:

- the Police and law enforcement agencies;
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers;
- Courts, if ordered to do so;
- the National College for Teaching and Learning;
- the Joint Council for Qualifications;
- Prevent teams in accordance with the Prevent Duty on schools;
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances;
- our Human Resources (HR) providers, for example, if we are seeking HR advice and a pupil is involved in an issue;
- UCAS
- our legal advisors;
- our insurance providers (or the Risk Protection Arrangement from November 2018);
- online learning platforms
- Some of the above organisations may also be Data Controllers in their own right in which case we will be jointly controllers of your personal data and may be jointly liable in the event of any data breaches.
- In the event that we share personal data about pupils with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.
- 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.

Why we share pupil information

- We do not share information about our pupils with anyone without consent unless the law allows us to do so.
- We share pupils' 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 pupils with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

Families' Information

Why do we collect and use families' information?

We collect and use families' information under the following lawful circumstances:

- e. where it is necessary for compliance with a legal duty;
- f. where processing is necessary to protect your vital interests or those of another person another person;
- g. where it is necessary for performing a task carried out in the public interest or in the exercise of official powers given to us.
- h. where we have your consent (we only need your consent if a. to c. above do not apply);

Sometimes the personal data we collect about pupils is sensitive personal data, for example:

- Information about your health, including any medical condition, health and sickness records
- Information about child protection and safeguarding

We will only process sensitive personal data where:

- d. processing is necessary to protect your vital interests or those of another natural person where the you are physically or legally incapable of giving consent; and / or
- e. processing is necessary for reasons of substantial public interest, on the basis of EU or UK government law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject. and / or
- f. we have clear consent;

This information is not routinely collected about families and is only likely to be processed by the school in specific circumstances relating to particular families, for example, if a child protection issue arises. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and / or the Police, medical professionals. Such information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

What we use families' information for:

We use the families' data to support our legal functions of running a school, in particular:

- l. to decide who to admit to the school;
- m. to maintain a waiting list;
- n. to support pupil learning;
- o. to monitor and report on pupil progress;
- p. to provide appropriate pastoral care;
- q. to assess the quality of our services;
- r. to comply with the law regarding data sharing;
- s. for the protection and welfare of pupils and others in the school;
- t. for the safe and orderly running of the school;
- u. to promote the school;
- v. to communicate

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

- g. Personal information (such as name address, phone numbers and e-mail address);

We collect information about families when they join the school and update it during their time on the roll as and when new information is acquired.

Collecting families' information

Whilst the majority of pupil 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 family information to us or if you have a choice in this.

Where appropriate, we will ask for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to use photos or images of pupils on our website or on social media to promote school activities [or if we want to ask your permission to use your information for marketing purposes].

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and pupils. CCTV footage may be referred to during the course of disciplinary procedures (for staff, pupils or families) or investigate other issues. CCTV footage involving families will only be processed to the extent that it is lawful to do so. Please see our CCTV policy for more details.

Storing families' data

We hold families' data for only for as long as it necessary. Different types of data can be held for different lengths of time. Please refer to our Data Retention Schedule available on the schools website.

An amount of personal data is stored electronically, for example, in SIMS, our Management Information System (MIS) database. Some information may also be stored in hard (paper) copy format.

Data stored electronically may be saved on a cloud based system which may be hosted in a different country.

Personal data may be transferred to other countries if, for example, we are arranging a school trip to a different country. Appropriate steps will be taken to keep the data secure.

Who do we share families' information with?

We routinely share family information with:

- schools that pupils attend after leaving us;
- our local authority (Hertfordshire County Council);
- a pupil's home local authority (if different);
- the Department for Education (DfE);
- school governors / trustees;
- exam boards;

From time to time, we may also share family information with other third parties including the following:

- the Police and law enforcement agencies;
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers;
- Courts, if ordered to do so;
- the Joint Council for Qualifications;
- Prevent teams in accordance with the Prevent Duty on schools;
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances;
- our Human Resources (HR) providers, for example, if we are seeking HR advice and a family is involved in an issue;
- UCAS
- our legal advisors;
- our insurance providers (or the Risk Protection Arrangement from November 2018);
- online learning platforms
- Some of the above organisations may also be Data Controllers in their own right in which case we will be jointly controllers of your personal data and may be jointly liable in the event of any data

breaches.

- In the event that we share personal data about pupils with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

Why we share family information

- We do not share information about our families with anyone without consent unless the law allows us to do so.
- We share families' 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 families with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (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>.

Youth support services - what is different about pupils aged 13+?

Once our pupils reach the age of 13, we also pass pupil 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 / pupil once he/she reaches the age 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 the Hertfordshire Children's' Social Care website <https://www.hertfordshire.gov.uk/services/Childrens-social-care/Childrens-social-care.aspx>

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 pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

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 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 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>