



## ST MICHAEL & ALL ANGELS C. E. (FOUNDATION) PRIMARY AND PRE-SCHOOL

### **Privacy Notice (How we use pupil 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.

We, St Michael & All Angels C. E. (Foundation) Primary and Pre-school, are the 'data controller' for the purposes of data protection law.

Our data protection officer is Mr Jonathan Lees (see 'Contact us' below).

#### **The categories of pupil information that we process include:**

- personal identifiers and contacts (such as name, unique pupil 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 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, absence reasons, exclusion information and any previous schools attended)
- assessment and attainment (such as key stage 1 and phonics 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)
- Catering (menu choices and dietary needs)

This list is not exhaustive, to access the current list of categories of information we process please contact the Data Protection Officer at the school.

#### **Why we collect and use pupil information**

We collect and use pupil information, for the following purposes:

- a) to support pupil learning
- b) to monitor and report on pupil 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)



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- f) to meet the statutory duties placed upon us for DfE data collections
- g) to facilitate school trips and activities
- h) to provide support services as required
- i) to safeguard pupils

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

- **Legal Right:** St Michael & All Angels C. E. (Foundation) Primary and Pre-school has the legal right to collect and use personal data relating to pupils 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)
  - ❖ The Education (School Performance Information) (England) Regulations 2007
  - ❖ Regulations 5 and 8 School Information (England) Regulations 2008
  - ❖ The Education (Pupil 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 pupils at the school and society, and prepares pupils for the opportunities, responsibilities and experiences of later life. This includes school trips and activities; and where appropriate support 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 support.
- **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



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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.

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 pupils' personal data overlap, and there may be several grounds which justify our use of this data.

### **Collecting pupil information**

We collect pupil information via:

- ❖ Data Collection Sheet at the start of each academic year
- ❖ Common Transfer Form (C2F) which is a secure file containing relevant information sent to us from the child's previous school.
- ❖ Eduspot
- ❖ Specific event/forms/feedback such as menu choices or trip forms

Pupil data is essential for the schools' operational use. Whilst the majority of pupil 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 pupil information to us or if you have a choice in this.

### **Storing pupil data**

We hold pupil data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please see our Records Management Policy and Data Protection Policy on the website.

### **Who we share pupil information with**

We routinely share pupil information with:

- ❖ schools that the pupils attend after leaving us
- ❖ our local authority
- ❖ youth support services (pupils aged 13+)
- ❖ the Department for Education (DfE)
- ❖ NHS
- ❖ Safeguarding Agencies

### **Why we regularly share pupil information**

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



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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 our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

### **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 pupils 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 Pupils) (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.

### **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 be given access to your child's educational record, contact:

The Data Protection Officer: Mr Jonathan Lees  
[dpo@st-michaelangels.calderdale.sch.uk](mailto:dpo@st-michaelangels.calderdale.sch.uk)

### **Other rights regarding personal data:**

You also have the right to:

- ❖ to ask us for access to information about you that we hold
- ❖ to have your personal data rectified, if it is inaccurate or incomplete
- ❖ to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- ❖ to restrict our processing of your personal data (i.e. permitting its storage but no further processing)



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- ❖ to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- ❖ not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### How Government uses your data

The pupil 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 Pupil 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)

### 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)

Much of the data about pupils in England goes on to be held in 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.

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

The law allows the Department to share pupils' personal data with certain third parties, including:



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- ❖ schools and 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 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department 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 DfE hold about you**

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department:

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

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

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

### **Contact**

The Data Protection Officer: Mr Jonathan Lees

[dpo@st-michaelangels.calderdale.sch.uk](mailto:dpo@st-michaelangels.calderdale.sch.uk)

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