



## **Privacy Notice (How we use pupil information)**

### **Introduction**

The Bay Education Trust consists of three academies serving the needs of over 2000 young people in Paignton. The Trust recognises how important it is that you are fully aware of the information we collect and hold about our students, parents and staff and how we share that information.

The purpose of this document is to help you to understand how and why we collect personal information about you, your children and what we do with that information. If you have any questions about this notice please contact the Bay Education Trust Data Protection Officer, on [informationgovernance@bayeducationtrust.org](mailto:informationgovernance@bayeducationtrust.org)

To ensure that your information is kept confidential and that our data is kept safe and secure, all our staff are given training in data protection and information governance before they start work with us. Current staff must also undertake regular refresher training courses tailored to their individual roles.

### **What is personal and sensitive data**

Personal information is information that identifies you as an individual and relates to you. This includes:

- Name;
- Address;
- Email address;
- Photographs;
- IP addresses;
- Location data;
- Profiling and analytics data; and
- Online Cookies.

Personal Sensitive Data is an additional category of data and consists of more in depth data such as:

- Race;
- Trade Union Membership
- Religion;
- Political Opinions;
- Sexual orientation;
- Health Information;
- Biometric Information; and
- Genetic data.

### **Anonymised and pseudonymised data**

As well as personal confidential data, the Bay Education Trust uses the other categories of data which are designed to improve the safety of the individuals that it refers to, these categories are as defined below:



- **Anonymised data** – where unique identifiers such as your name and full address have been removed so the information is no longer person identifiable; and
- **Pseudonymised data** – where personal information about you is replaced with a unique code. We retain the key to the code so would know which person this information related to but a third party who we shared this data with would not. This is often used for example, when information is needed for research purposes

Where possible, we will ensure that your information is anonymised or pseudonymised to protect the identities of the individuals.

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

During its activities, the Bay Education Trust is required to collect personal confidential data in order to fulfil its statutory obligations which is to provide educational services to your children. We use personal data for the following:

- To support pupil learning;
- To monitor and report on pupil progress;
- To provide appropriate pastoral care;
- To assess the quality of our services; and
- To comply with the law regarding data sharing.

### **Categories of pupil information that we collect, hold and share:**

The below is a list of the different ways in which we use personal information and where this personal information originates.

- We obtain information about you from admissions forms and from your child's previous school. We may also obtain information from professionals such as Doctors, Educational Professionals and from Local Authorities, this includes pupil names, Unique Personal identifiers, addresses and previous schooling information.
- Personal Characteristics such as gender, ethnicity, language, nationality, country of birth and free school meal eligibility;
- Information relating to family circumstances which may affect your child's welfare and happiness including safeguarding information;
- Details relating to court orders of criminal petitions the relate to you, this is to ensure that we can safeguard the welfare and wellbeing of your child and the other pupils within the Bay Education Trust;
- Attendance information (such as sessions attended, number of absences and absence reasons);
- Biometric information including name, address, Fingerprint Identification DOB, Gender and admission number for the purposes of lunch payments (only applicable to Paignton Academy);
- CCTV information to ensure that the public areas of the schools in the Bay Education Trust remain safe, CCTV is not used in private areas such as toilets;
- We may take photographs or videos of the students to use on social media and on the school website. This is to show perspective parents and pupils what we do at the school and for



promotional purposes, we may continue to use these photographs and videos after your child has left the school. Consideration will always be given to any safeguarding concerns when using these images and all parents have the right to object to the use of images;

- We will use personal information to keep you up to date with events and developments at the school and via newsletters.
- We may also be requested to send through information for research and statistical purposes. If this is to be completed, anonymised or pseudonymised data will be used;
- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility); and
- Attendance information (such as sessions attended, number of absences and absence reasons).

### **The lawful basis on which we process this information**

All data is processed in line with the General Data Protection Regulation (2016) as such, all bodies must ensure that there is a valid and lawful basis in order to process personal data. We collect and use pupil information under the following articles of GDPR:

#### **Article 6.1a – Consent; The data subject has given consent to the processing of his or her personal data for one or more specific purposes;**

The school will obtain consent from parents before sharing any information, the right to object is communicated and recorded. Any amendments to the conditions of sharing are communicated to the relevant parents or carers

#### **Article 6.1c – Legal Obligation; processing is necessary for compliance with a legal obligation to which the controller is subject;**

Where the School needs to use your information in order to comply with a legal obligation, for example to report a concern to Children's Services. We may also have to disclose your information to third parties such as the courts, the local authority or the police where legally

#### **Article 6.1e – Processing by a public authority; Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.**

Schools deliver educational services and are monitored by the local authority and OFSTED data is required to be shared to fulfil this requirement.

#### **Article 6.1f - Legitimate interests; the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.**

Schools are required to process data for the purposes of education for the benefit of individuals, this may be overridden by the interests or fundamental rights and freedoms of the data subject, in particular when the individual is a child.

#### **Article 9.2a – Consent; the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.**



The school will obtain consent from parents before sharing any information, the right to object is communicated and recorded. Any amendments to the conditions of sharing are communicated to the relevant parents or carers

**Article 9.2c – Legal Obligation; processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;**

Where the School needs to use your information to comply with a legal obligation, for example to report a concern to Children's Services. We may also have to disclose your information to third parties such as the courts, the local authority or the police where legally obliged to do so.

**Article 9.2e – Public Task; the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.**

The School considers that it is acting in the public interest when providing education services to students.

Further guidance may be obtained on the relevant GDPR schedules by reviewing the Information Commissioners website on <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

**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. 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.

**Sending information to other countries**

It may be necessary from time to time to forward your data to other countries where we store information on computer servers based overseas, an example of this is Google Drive and Google Mail servers.

- We communicate with you or your child when you are overseas (for example, during the summer holidays if you live in a different country).

Under GDPR, Information can be transferred to any EU member state (including Norway and Iceland) and has produced a list of approved countries. Should the data be forwarded to any country not on the list, an independent risk assessment will be carried out to ensure that the relevant safeguards are in place to protect that data, no data will be transferred if Bay Education Trust is not assured of its storage. Further information can be found here: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/international-transfers/>

**Storing pupil data**

The sharing of your information is strictly controlled. We will not pass on information about you to third parties without your permission unless there are exceptional circumstances, for example, where we are required to by law.



In all cases, where personal information is shared, either with or without your consent, a record will be kept. We ensure that all information that is accessed is kept secure and stored appropriately.

Our secure networks, internal and external IT safeguards all ensure we protect your right to privacy and confidentiality. We only keep your records as long as we need to and are required to by law / national codes of practice. After records reach their mandated storage time, they are securely destroyed by shredding.

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

In order to fulfil our legal duties, we routinely share pupil information with:

- Local authorities, the Department for Education, and any school within the Bay Education Trust and the Bay Education Trust Board;
- The Multi Agency Safeguarding Hub should there be safeguarding concerns and any associated safeguarding systems such as CPOMS;
- Law enforcement agencies where there is a serious concern, in these such occasions, a clear record of the decision process will be retained including any Data Protection Law Enforcement Directive decision;
- NHS Providers or Education Healthcare Professionals to ensure that pupil health and development is considered at all stages, we will not share any information without your informed consent;
- Legal Advisors for the purpose of obtaining advice on specific matters;
- Educational Consultants, Experts and other Advisors to assist the School in fulfilling its obligations and to develop the school to be more effective. We might need to share limited, anonymised information with them this is relevant to their work, should other information be required, this would be considered on an adhoc basis;
- School Insurance Providers, for example, where there is a serious incident at the School;
- Educational computer system providers such as ClassCharts, Kerboodle, SIMS, ParentPay, Evolve and Doodle, a data sharing agreement exists for all of these providers to ensure that the data is held securely at all times, (please note, this list of providers is not exhaustive and changing based on the requirements of the school)
- School Meal Providers, including biometric data, this is subject to an Information Sharing Agreement;
- Other schools out of area, if a child leaves education we are required to share information with that school with information. For example, details of family circumstances for safeguarding reasons; and
- We may share information about you with others in your family, such as another parent or step-parent. For example, where this is part of our obligation to take care of your child, as part of our wider legal and regulatory obligations.

## **Why we 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.



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.

Other information sharing for example on computer systems is subject to stringent monitoring and review. The information stored on these systems is used primarily to increase productivity and effectiveness in the 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>.

### **Youth support services**

#### **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; and
- Careers advisers

A parent or 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.

#### **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 our local authority website.

### **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; and
- 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>



## **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 Trust Data Protection Officer on [informationgovernance@bayeducationtrust.org](mailto:informationgovernance@bayeducationtrust.org)

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 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

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

## **Contact**

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

John Harle – Data Protection Officer – Bay Education Trust.