

## PRIVACY NOTICE (HOW WE USE PUPIL INFORMATION)

### How information about pupils is used in educational settings such as; schools, alternative provision, pupil referral units and early years providers

#### THE CATEGORIES OF PUPIL INFORMATION THAT WE COLLECT, HOLD AND SHARE INCLUDE:

- Personal information (such as name, date of birth, unique pupil number and address)
- Safeguarding concerns
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility, INA status – Asylum Seeker, Refugee, Economic Migrant, Looked After Child, Adopted and SGO children)
- Medical information
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information relating to academic progress, pupil attainment and educational performance in general
- Special Educational Needs or Disabilities information
- Behavioural information including exclusions
- Information from Early Years providers or Post 16 providers
- Parent/Carer information (such as name, address, contact details)
- Information for our Pre-School in the same format as the above

#### WHY WE COLLECT AND USE THIS INFORMATION

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to work with agencies supporting pupil safeguarding
- to assess the quality of our services
- to comply with the law regarding data sharing
- to provide support for pupils with special learning needs or disabilities
- to comply with all statutory data returns to the DfE and their partner organisations
- to qualify the child is eligible of funding and to calculate funding
- to provide data to the local authority as required statute or by current contracts, service level agreements or data sharing agreements with the local authority
- to inform next educational providers and/or employers of relevant pupil performance and contextual information

#### THE LAWFUL BASIS ON WHICH WE USE THIS INFORMATION

We use information about children and young people to enable us to carry out specific functions for which we are responsible. We also use this personal data to derive statistics which inform decisions we make regarding the running of the school, the curriculum, safeguarding and to assess pupil outcomes. The lawful basis is as follows (Article 6):-

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- processing is necessary in order to protect the vital interests of the data subject or of another natural person;

- 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;
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

And (Article 9)

- 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

#### WE COLLECT AND USE PUPIL INFORMATION UNDER RESPONSIBILITIES SET OUT WITHIN:-

- Education Act 2002 Section 33
- Education Act 1996
- Children and Families Act 2014 (SEND Reforms)
- Childcare Act 2006
- The Early Years and Foundation Stage Order 2007
- The Education and Skills Act 2008
- The Apprenticeship, Skills, Children and Learning Act 2009
- Equality Act 2010
- Children Act 1989
- Adoption and Children Act 2002
- Children and Young Persons Acts 1963 (Regs 1968)
- Education (Governors Annual Reports – England) (Amendment) Regulations 2002 SI 2002 No 1171
- School Standards and Framework Act 1998 and Academies Act 2010
- Schools Admissions Code Statutory Guidance for admission authorities, governing bodies, local authorities, school adjudicators and admission appeals panels December 2014
- Schools Admission Appeals Code February 2012 Statutory guidance for school leaders, governing bodies and local authorities.
- School attendance: Department advice for maintained schools, academies, independent schools and local authorities November 2016
- DBS Update Service Guide June 2014
- Keeping Children Safe In Education – Statutory Guidance Sept 2016
- ‘Working Together to Safeguard Children’ - A guide to interagency working to safeguard children – March 2015
- An employer’s right to work checks (Home Office May 2015)
- Limitation Act 1980 (section 2)
- Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social security administration Act 1992 Section 8. Limitation Act 1980
- COSHH Regulations 2002. SI 2002 No 2677 Regulation 11; Records kept under the 1994 and 1999 Regulations to be kept as if the 2002 Regulations had not been made. Regulation 18
- Control of asbestos at work regulations 2012 SI 1012 No632 Regulation 19
- The Education (Pupil Information) (England) Regulations 2005 SI 2005 No 1437
- Education Act 1996. Special Educational Needs and Disability Act 2001 Section 1.
- Outdoor Education Advisers Panel National Guidance Section 3 – Legal Framework and Employer Systems and Section 4 – Good Practice

The submission of the school census returns, including a set of named pupil records, is a statutory requirement on schools under Section 537A of the Education Act 1996. This means that schools do not need to obtain parental or pupil

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consent to the provision of information and ensures schools are protected from any legal challenge that they are breaching a duty of confidence to pupils.

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## 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.

## STORING PUPIL DATA

We hold children and young person's data for various periods of duration as determined by School's Retention Policy. As a general matter of course, school will hold information on pupils for the 7 years they attend St Francis Xavier's school. This will be 8 or 9 years for pupils who are also a part of St Francis Xavier Pre-School. The school will then retain pupil records and information regarding academic attainment and progress indefinitely, as this is part of legal reporting frameworks and national published statistics.

## WHO WE SHARE PUPIL INFORMATION WITH

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)
- providers of alternative educational provision
- the school federation, academy chain, Multi Academy Trust
- school nurse
- local health trust and their commissioned health services
- Our online single sign on information management systems (SIMS).
- Social services or any external workers involved in safeguarding of specific pupils.

## 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 share pupils' data with the local authority to allow them to carry out statutory duties including the identification of children missing education, and to ensure that all pupils get a suitable education, in line with in line with sections 436A and 437 of the Education Act 1996. The local authority also has responsibilities around the identification of pupils with special educational needs as identified in section 22 of the Children and Families Act 2014.

We also share pupil's data with the Local Authority for the purposes of comparative data analysis and to enable the provision of services by the Local Authority as defined in the current contracts, Service Level Agreements or data sharing agreements.

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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.

#### 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>

## 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

### **Office manager and Named Information Controller:**

Margaret Marshall

Margaret.marshall@st-francisxavier.sandwell.sch.uk

St Francis Xavier

MCKean Road

Oldbury

B69 4BA

01215521485

### **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 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:

### **Office manager and Named Information Controller:**

Margaret Marshall

Margaret.marshall@st-francisxavier.sandwell.sch.uk

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