

## **General Data Protection Regulations**

We, **Carlton Junior and Infant School** are a data controller of the personal information provided. 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, personal data processing will be outsourced to a third-party; however, this will only be done with your consent, unless the law or our policies allow the school to share your data. Where the school outsources data to a third-party processor, the same data protection standards that the school upholds are imposed on the processor.

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

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal/ pupil premium eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as Key Stage results)
- Medical conditions
- Special Educational Needs and Disability
- Behaviour and exclusions
- Education/school history
- Siblings information

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

We use the pupil data:

- to provide free early education and childcare
- to support pupil learning
- to monitor and report on pupil progress
- to provide pastoral care
- to assess the quality of our service
- to comply with the law regarding data sharing
- to safeguard pupils

The lawful basis on which we use this information

On 25th May 2018 the Data Protection Act 1998 will be replaced by the General Data Protection Regulations (GDPR). The condition for processing under GDPR will be:

Article 6

1. Processing shall be lawful only if and to the extent that at least one of the following applies:

(c) Processing is necessary for compliance with a legal obligation to which the controller is subject;

## Article 9

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

2. Paragraph 1 shall not apply if one of the following applies:

(j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State 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.

The Education (Information about Individual Pupils) (England) Regulations 2013-Regulation 5 'Provision of information by non-maintained special schools and Academies to the Secretary of State ' states 'Within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special school or an Academy (shall provide to the Secretary of State such of the information referred to in schedule 1 and (where request stipulates) in respect of such categories of pupils, or former pupils, as is so requested'

The Education Act 1996 - Section 537A - states that we provide individual pupil information as the relevant body such as the Department for Education.

Children's Act 1989 - Section 83 - places a duty on the Secretary of State or others to conduct research.

### **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 pupil data as follows:

- Attendance registers - Date of last entry in the register + 7 years
- Pupils files will be retained in school - files are transferred to the next school if required or shredded
- SEN - DBP of pupil + 35 years
- Accident forms - Date of incident + 25 years

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

We routinely share pupil information with:

- Learning providers that the pupils will attend after leaving us our local authority
- the Department for Education (DfE)
- school nurse

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

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

We share pupils' data with our local authority (LA) and the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and measuring. For further information go to

<http://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx>

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 , Sections 7 and 7A of the Childcare Act 2006 and section 2 of the Childcare Act 2016.

The school also uses various systems, such as assessment and reporting software, communication systems and curriculum software that may process pupil and family information. As the data controller the school will ensure that the processors meet and uphold the required data protection standards.

### **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://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 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 the 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 the 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 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>

### **Storing Personal Data**

Personal data relating to pupils at Carlton Junior & Infant School and their families is stored in line with the school's Data Protection Policy which can be found on the school website.

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely. For example, the school will shred or incinerate paper-based records and override electronic files.

The school may also use an outside company to safely dispose of electronic records.

### **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 Jane Malone, School Business Manager

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 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 breach of the Data Protection regulations

If you have concerns 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

- Jane Malone at Carlton Junior & Infant School - 01924 325265

Or

- Kirklees Council, Information Governance Team

Email: [information.governance@kirklees.gov.uk](mailto:information.governance@kirklees.gov.uk)

Telephone: 01484 221000

- Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Manchester, M1 2WD

Website: <https://www.gov.uk/government/organisations/department-for-education>

Email: <http://www.education.gov.uk/help/contactus>

If you require paper copies of your child's data, please let the office staff know.