

## PRIVACY NOTICE (19a)

### How we use Pupil and parent/carer Information (Information for Parents/Carers)



#### Who are we?

The academy is part of Ebor Academy Trust, the 'Data Controller' ultimately responsible for how the academy handles your personal information. This means that we determine the purposes for which, and the manner in which, your personal data is processed. We have a responsibility to you and your personal data and will only collect and use this in ways which are compliant with data protection legislation.

The Trust has appointed Wendy Harrington to be its Data Protection Officer (DPO). The role of the DPO is to ensure that the Trust is compliant with data protection legislation and to oversee data protection procedures. The DPO's email address is: [dpo@ebor.academy](mailto:dpo@ebor.academy)

#### What Information are we collecting?

The categories of information that we process include the following:

1. personal identifiers and contacts (such as name, unique pupil number, contact details and address)
2. characteristics (such as, language, nationality, country of birth and free school meal eligibility)
3. safeguarding information (such as court orders and professional involvement)
4. special educational needs and disabilities information
5. attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
6. assessment and attainment (such as key stage and phonics results)
7. behavioural information (such as exclusions and any relevant alternative provision put in place)
8. Parental consent forms for image, voice and video use
9. Next of kin and emergency contact information
10. Admissions information
11. Photographs, video and radio recordings
12. transport to school information
13. Details of any support received, including care packages, plans and support providers
14. Parental information such as National insurance data.

Under Article 9 of the GDPR, we may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Characteristics, such as race, ethnicity, religious beliefs, sexual orientation and eligibility for certain benefits
- medical information (such as doctors' information, child physical and mental health, dental health, allergies, medication, dietary requirements and details of isolation during a pandemic).
- CCTV and school entry systems images captured in school

#### Why do we need your personal data?

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

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*Date Created/updated: March 2023*

*Version Number: 2*

certain pupil information to us or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

We collect and use pupil and parent information to:

- a) support pupil learning
- b) monitor and report on pupil attainment progress and equality of opportunity
- c) provide appropriate pastoral and safeguarding care
- d) assess the quality of our services
- e) keep children safe (food allergies, or emergency contact details etc)
- f) meet the statutory duties placed upon us by the Department for Education and other legislative bodies
- g) administer admissions waiting lists
- h) safeguard pupils and the wider public
- i) provide a service such as cash free catering, professional sports coaching
- j) provide information to families about events and activities at the school
- k) comply with public health requirements
- l) administer and protect public funds
- m) check FSM eligibility
- n) take part in educational research
- o) form an archive for historic interest

### **The Lawful Basis on which we process this information**

We only collect and use your personal data when the law allows us to.

#### **Most commonly, we process data where:**

- We need to comply with a legal obligation (k – m from the table above)
- We need it to perform an official task in the public interest (a- j above)
- We need it to perform a contract (l)

#### **Less commonly, we may also process pupils' personal data in situations where:**

- We have obtained consent to use it in a certain way.
- We need to protect the individual's vital interests (protect life as in h & k above)
- We take part in educational research/archive (n & o)

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing pupil information under article 6 (e) of GDPR are:

- The Education Act 1996, 2005 & Education and adoption Act 2016
- Section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013
- Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013
- the Education (School Performance Information)(England) Regulations 2007
- Article 6 and Article 9 (for sensitive data) of the new GDPR laws, provide some of the underpinning purposes for school's data collection.
- To follow DFE guidance on school attendance 2016 and Early Education and Childcare guidance 2018
- regulations 5 and 8 School Information (England) Regulations 2008
- the Education (Pupil Registration) (England) (Amendment) Regulations 2013

- The Children (Performances and Activities) (England) Regulations 2014 Education Regulations 2013
- Children Act 1989 and 2004
- Equalities Act 2010
- Childcare Act 2006 and 2016
- Children, Schools and Families Act 2010
- Academy Funding Agreement and Articles of Association
- Academy's legal and statutory framework
- Safeguarding Vulnerable Groups Act 2006
- The guidance "Keeping Children Safe in Education"
- The Childcare (Disqualification) Regulations 2009
- Public Health, England. The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020

### **Who do we obtain your information from?**

We collect pupil information from parents and pupils and via the school registration form or a Common Transfer File if you are joining from a previous school. We also collect information from partner agencies we work with including social services and the NHS.

### **Storing Pupil Data**

We keep personal information about you while your child is attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. Our record retention schedule sets out how long we keep information about parents, children and carers; a copy of this document can be found on the school's website.

### **Who do we share your personal data with?**

We do not share information about you with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law), we may share personal information about you with:

- other schools
- local authorities
- Government departments such as the Department for Education (DfE) and Education Skills Funding Agency
- Child Protection Agencies (when necessary)
- NHS such as speech therapy, school nursing service, Test and Trace and A&E and equivalent medical providers abroad when on overseas trips
- Police forces, courts and tribunals
- Pupils' family and representative
- Ebor auditors
- Local Safeguarding Boards
- Schools ICT and our IT suppliers
- Software providers who provide budgeting software or cashless payment systems

- Text and email communication systems
- Catering providers
- App providers such as Class Dojo to enable us to share educational data with families
- School photographers
- PFI company (where the school buildings are owned by PFI)
- The press
- Virtual School
- Door entry system providers (eg inventory)
- Partnerships and other providers enhancing teaching curriculum provision
- Agency providing temporary teaching and support staff
- Music and sports coaches
- FSM checker services
- Software providers who provide software to improve the education or safety of our services e.g: we share medical information on Evolve educational visits software so that we can provide access to medical data on trips and assess trip staffing requirements.
- Researchers from reputable organisations
- Our regulator, eg Ofsted
- The diocese
- Social services
- Children and Family Court Advisory Service (CAFCAS)
- Alternative education providers
- Residential trip providers
- Insurance companies

### **How do we share pupil and parent information?**

We share certain data with 3rd party suppliers such as software providers, music and sports coaches and teacher supply agencies who provide a service to us or our pupils. All our suppliers follow GDPR data processing regulations. To be granted access to pupil information, organisations must comply with GDPR's strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

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 your local authority for the purpose of those data collections. This data sharing underpins school funding and educational attainment policy and monitoring. 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 the Government uses your data' appendix A.

We will not without your express consent provide your personal information to any third parties for the purpose of direct marketing.

### **You are also entitled to have your personal information:**

- protected and kept secure.
- kept accurate and up to date.
- not used for purposes which are incompatible with those for which it was collected.
- kept only for as long as it is needed for the purpose for which it was collected (unless it must be

kept as part of the historic record).

### **What are your rights?**

Under GDPR, 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: Wendy Harrington, Data Protection Officer via [dpo@ebor.academy](mailto:dpo@ebor.academy)

Depending on the lawful basis above, you may 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
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

If you have a concern 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/>

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.

### **Withdrawal of consent and the right to lodge a complaint**

Where we are processing your personal data with your consent, you have the right to withdraw that consent. We will make this clear when we ask for consent, and explain how consent can be withdrawn. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting your school office or [dpo@ebor.academy](mailto:dpo@ebor.academy)

### **Last updated**

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated in March 2023.

### **Contact**

If you would like to discuss anything in this privacy notice, please contact: Wendy Harrington, Data Protection Officer, Ebor Academy, The Leyes, Osbaldwick, York YO10 3PR via [dpo@ebor.academy](mailto:dpo@ebor.academy)

## **Appendix A: 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:

- schools
- 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>