



03 - GDPR PRIVACY NOTICE FOR PUPILS

PRIVACY NOTICE FOR PUPILS ATTENDING St John's Catholic Primary School

St John's collects a lot of data and information about our pupils so that we can run effectively as an academy. This privacy notice explains how and why we collect pupils' data, what we do with it and what rights parents and pupils have.

St John's is an academy within the Kent Catholic Schools' Partnership ("KCSP"), a multi academy trust with more than 20 academies. KCSP is a charitable company limited by guarantee (registration number 08176019) whose registered office is Barham Court, Teston, Maidstone, Kent, ME18 5BZ. KCSP is the Data Controller for all the academies within the Trust.

The Data Protection Officer for KCSP is Michelle Boniface, dpo@kcsp.org.uk. St John's Data Protection Lead is Adrian Watson, awatson@stjohnsprimary.kent.sch.uk

Why do we collect and use pupil information?

We collect and use pupil information under the following lawful bases:

- a. where we have the consent of the data subject (Article 6 (a));
- b. where it is necessary for compliance with a legal obligation (Article 6 (c));
- c. where processing is necessary to protect the vital interests of the data subject or another person (Article 6(d));
- d. where it 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 (Article 6 (e)).

Where the personal data we collect about pupils is sensitive personal data, we will only process it where:

- a. we have explicit consent;
- b. 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; and / or
- c. processing is necessary for reasons of substantial public interest, on the basis of 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.

Please see our Data Protection Policy for a definition of sensitive personal data.

We use the pupil data to support our statutory functions of running an academy, in particular:

- a. to decide who to admit to the academy;
- b. to maintain a waiting list;
- c. to support pupil learning;
- d. to monitor and report on pupil progress;
- e. to provide appropriate pastoral care;
- f. to assess the quality of our services;
- g. to comply with the law regarding data sharing;
- h. for the protection and welfare of pupils and others in the academy;
- i. for the safe and orderly running of the academy;
- j. to promote the academy;
- k. to communicate with parents / carers;
- a. to respond to investigations from our regulators or to respond to complaints raised by our stakeholders;
- l. in connection with any legal proceedings threatened or commenced against the academy
- m. attendance

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

- a. Personal information (such as name, unique pupil number and address);
- b. Characteristics (such as ethnicity, language, medical conditions, nationality, country of birth and free academy meal eligibility);
- c. Attendance information (such as sessions attended, number of absences and absence reasons)
- d. Behaviour records, including exclusions (if relevant) records about attainment, assessment information, information about special needs (if relevant);
- e. Medical Information
- f. Special Educational Needs and Disabilities
- g. Pupils Premium and Free School Meals (FSM)

From time to time and in certain circumstances, we might also process personal data about pupils, some of which might be sensitive personal data, including information about criminal proceedings / convictions, information about sex life and sexual orientation, child protection / safeguarding. This information is not routinely collected about pupils and is only likely to be processed by the academy in specific circumstances relating to particular pupils, for example, if a child protection issue arises or if a pupil is involved in a criminal matter. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and / or the Police. Such information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

We collect information about pupils when they join the academy and update it during their time on the roll as and when new information is acquired.

As the academy has a cashless catering system. Please see our Data Protection Policy for more details about how we process data.

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. Where appropriate, we will ask parents for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to use photos or images of pupils on our website or on social media to promote academy activities or if we want to ask your permission to use your information for marketing purposes. Parents / pupils may withdraw consent at any time.

Storing pupil data

We hold pupil data for different lengths of time, depending on the nature of the data, further information for the retention of data can be found in the Data Retention Policy available on the academy and trust website from July 2018.

A significant amount of personal data is stored electronically, for example, on our database, SIMS. Some information may also be stored in hard copy format.

Data stored electronically may be saved on a [cloud] based system which may be hosted in a different country.

Personal data may be transferred to other countries if, for example, we are arranging a academy trip to a different country. Appropriate steps will be taken to keep the data secure.

Who do we share pupil information with?

We routinely share pupil information with:

- Parents / carers (as defined in the Education Act 1996);
- academies that pupils attend after leaving us;
- our local authority Kent County Council;
- a pupil's home local authority (if different);
- the Department for Education (DfE);
- academy local governors / trustees;
- the central team at KCSP;
- exam boards including Standards and Testing Agency (STA)
- Schools and Early Child Care Providers within local area for Transition and support

From time to time, we may also share pupil information other third parties including the following:

- the Police and law enforcement agencies;

- NHS health professionals including the academy nurse, educational psychologists, Specialist Teaching Service
- Education Welfare Officers;
- Courts, if ordered to do so;
- the National College for Teaching and Learning;
- the Joint Council for Qualifications;
- Prevent teams in accordance with the Prevent Duty on academies;
- other academies, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances;
- Diocesan Officers at the Diocese of Southwark for the purposes of receiving educational support;
- the academy chaplain;
- our HR providers, for example, if we are seeking HR advice and a pupil is involved in an issue;
- our legal advisors;
- our insurance providers / the Risk Protection Arrangement;

Some of the above organisations may also be Data Controllers in their own right in which case we will be jointly controllers of your personal data and may be jointly liable in the event of any data breaches.

In the event that we share personal data about pupils with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

With the Diocese, we share information related to Religious background and belief.

Why we share pupil information

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

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins academy 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.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the academy 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 academies 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 academies, 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 academy 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 pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

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 DfE 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

For primary academies: Under data protection legislation, parents and pupils have the right to request access to information about them that we hold (“Subject Access Request”). Where a child does not have the maturity to make their own requests for personal data, parents may do so on their behalf in a primary academy setting. To make a request for your child’s personal data, or be given access to your child’s educational record, contact the DPO or Academy Data Protection Lead although any written request for personal data will be treated as a Subject Access Request.

Subject to the section below, the legal timescales for the Academy to respond to a Subject Access Request is one calendar month. As the Academy has limited staff resources outside of term time, we encourage parents / pupils to submit Subject Access Requests during term time and to avoid sending a request during periods when the Academy is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. [For further information about how we handle Subject Access Requests, please see our Data Protection Policy.

Parents of pupils who attend academies have a separate statutory right to receive an annual written report setting out their child’s attainment for the main subject areas which are taught. This is an independent legal right of parents rather than a pupil’s own legal right which falls outside of the GDPR, therefore a pupil’s consent is not required even a pupil is able to make their own decisions in relation to their personal data, unless a court order is in place which states otherwise.

The term “parent” is widely defined in education law to include the natural or adoptive parents (regardless of whether parents are or were married, whether a father is named on a birth certificate or has parental responsibility for the pupil, with whom the pupil lives or whether the pupil has contact with that parent), and also includes non-parents who have parental responsibility for the pupil, or with whom the pupil lives. It is therefore possible for a pupil to have several “parents” for the purposes of education law.

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 our data protection responsibilities.

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/>

Contact:

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

- Michelle Boniface, dpo@kcsp.org.uk.