

# PRIVACY NOTICE: HOW WE USE PUPIL INFORMATION

Policy: May 2019  
Policy to be reviewed: September 2020 (or earlier as legislation dictates)

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## Privacy Notice for Parents/carers and students

### Introduction

This notice is to help you understand how and why we collect personal information about you and what we do with that information. It also explains the decisions that you can make about your own information.

### What is personal information?

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

This includes your contact details, next of kin and financial information. We may also hold information such as your religion or ethnic group. CCTV, photos and video recordings of you are also personal information.

PhoenixPlace complies with the GDPR and is registered as a 'Data Controller' with the Information Commissioner's Office (Reg. No.A8265495).

### The Data Protection Officer (DPO) for the school is:

DPO name: SPS DPO Services

Email: [sps-dpo-services@isystemsintegration.com](mailto:sps-dpo-services@isystemsintegration.com)

We ensure that your personal data is processed fairly and lawfully, is accurate, is kept secure and is retained for no longer than is necessary.

### Why do we collect and use pupil information?

We collect and use pupil information under the Education Act 1996 and the EU General Protection Regulation (GDPR) which will take effect from May 25 2018, including Article 9 'lawfulness of processing' and Article 9 'processing of special categories of personal data'

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- protect pupil welfare
- to assess the quality of our services
- carry out research
- to comply with the law regarding data sharing

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

- Personal information (such as name, unique pupil number, date of birth, siblings and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Relevant medical information
- Additional or special education needs information
- Exclusions and behavioural information
- Assessment information
- Contact details for parents and carers
- Post 16 destinations and learning information
- Safeguarding and Child Protection reports and disclosures
- Photographs and video clips

### 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

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information to us or if you have a choice in this.

Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

## Storing pupil data

We hold pupil data in line with the recommendations of the Information and Records Management Society

<http://irms.org.uk/page/SchoolsToolkit>

In practice this means we hold pupil data until the pupil reaches 25 years of age.

## Who do we share pupil information with?

We do not share information about pupils 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 the General Data Protection Regulation, otherwise known as the GDPR) we may share personal information about pupils with:

- Local authorities(e.g. admissions)
- The Department for Education (e.g. attainment)
- The pupil's family and representatives (e.g. attendance)
- Educators and examining bodies ( e.g.Exams)
- Our regulators Ofsted, DFE (e.g. pupil data)
- Suppliers and service providers (e.g. sports coaches)
- Central and local government (e.g. attainment)
- Health authorities (e.g. immunisations)
- Health and social welfare organisations (e.g. social services)
- Professional advisers, bodies and consultants (e.g. Educational psychologist)
- Police forces, courts, tribunals (in relation to safeguarding)
- Collaborating schools for moderating purposes

## Aged 14+ qualifications

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupil's learning or qualifications

## 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

### What is different about 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
- careers advisers

A parent / 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.

## The National Pupil Database (NPD)

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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 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 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>

## Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

## Parents and pupils' rights regarding personal data

Individuals have a right to make a '**subject access request**' to gain access to personal information that the school holds about them.

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them. If you make a subject access request and if we do hold information about you or your child, we will:

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- Give you a description of it
- Tell you why we are holding and processing it and how long we will keep it for
- Explain where we got it from, if not from you or your child
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data and any consequences of this
- Give you a copy of the information in an intelligible form
- Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances

As a parent/carer of a pupil attending an Independent School there is no automatic parental right of access to educational records in our setting. However, we would consider any parental request for such access and decide whether it is appropriate to grant the request on a case by case basis.

If you require access to the above, please apply in writing, citing your reasons to Kailash Kumari.

## Your other rights regarding your data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our Deputy Headteacher.

## Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with the school in the first instance. To make a complaint, please contact our Deputy Headteacher. Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our Deputy Headteacher Kailash Kumari at [KKumari@phoenixplace.co.uk](mailto:KKumari@phoenixplace.co.uk) in the first instance.

DPO name – SPS DPO Services

Email – [sps-dpo-services@systemsintegration.com](mailto:sps-dpo-services@systemsintegration.com)