

GDPR Policy



Date: September 2024

Review Date: August 2026

Responsible Person: Jonathan Muddin

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1. Rationale - General Data Protection Regulations (GDPR)

On the 25th May 2018, changes to legislation were introduced that affect all organisations and individuals regarding the handling and processing of data. This includes the data recorded and used and the length of time it is stored. We have a Data Protection Lead (DPL) who will ensure that data is processed fairly, lawfully and that any breaches are reported to the appropriate body, investigated and that any improvements will be put in place to ensure data handling meets the requirements of GDPR. The categories of pupil information that we process include:

- PERSONAL IDENTIFIERS AND CONTACTS (SUCH AS NAME, UNIQUE STUDENT NUMBER, CONTACT DETAILS AND ADDRESS)
- CHARACTERISTICS (SUCH AS ETHNICITY, LANGUAGE, AND FREE SCHOOL MEAL ELIGIBILITY)
- SAFEGUARDING INFORMATION (SUCH AS COURT ORDERS AND PROFESSIONAL INVOLVEMENT)
- SPECIAL EDUCATIONAL NEEDS (INCLUDING THE NEEDS AND RANKING)
- MEDICAL AND ADMINISTRATION (SUCH AS DOCTORS INFORMATION, CHILD HEALTH, DENTAL HEALTH, ALLERGIES, MEDICATION AND DIETARY REQUIREMENTS)
- ATTENDANCE (SUCH AS SESSIONS ATTENDED, NUMBER OF ABSENCES, ABSENCE REASONS AND ANY PREVIOUS SCHOOLS ATTENDED)
- ASSESSMENT AND ATTAINMENT (SUCH AS KEY STAGE 1 AND PHONICS RESULTS, POST 16 COURSES ENROLLED FOR AND ANY RELEVANT RESULTS)
- BEHAVIOURAL INFORMATION (SUCH AS EXCLUSIONS AND ANY RELEVANT ALTERNATIVE PROVISION PUT IN PLACE)
- SCHOOL TRIPS AND RESIDENTIALS
- THIS LIST IS NOT EXHAUSTIVE AND ACCESS TO THE DETAILED LIST WILL BE MADE AVAILABLE ON THE WEB SITE.

2. The types of learner information that we collect, hold and share include:

- Personal information e.g. name, address, date of birth, medical details
- Characteristics e.g. ethnicity, free school meal eligibility, looked after status, individual risk status and special educational needs information (special category data)
- Attendance information e.g. sessions attended, absences and absence reasons
- Assessment information e.g. attainment levels, learner behaviour and welfare

3. Why we collect and use this information

We collect and use student information, for the following purposes:

- TO SUPPORT STUDENT LEARNING
- TO MONITOR AND REPORT ON STUDENT ATTAINMENT PROGRESS
- TO PROVIDE APPROPRIATE PASTORAL CARE
- TO ASSESS THE QUALITY OF OUR SERVICES
- TO KEEP CHILDREN SAFE (FOOD ALLERGIES, OR EMERGENCY CONTACT DETAILS)
- TO MEET THE STATUTORY DUTIES PLACED UPON US FOR DFE DATA COLLECTIONS
- TO ENSURE MEDICAL NEEDS ARE MET AND MAINTAINED.
- TO PROVIDE SUPPORT AND SERVICES TO YOU AND YOUR CHILDREN
- ORGANISE MEETING THE NEEDS OF STUDENTS CARE INCLUDING MEDICINES, TREATMENT AND FOOD.

4. The Lawful Basis on which we use this information

Under the General Data Protection Regulation (GDPR), the lawful basis we rely on for processing student information are:

Contained in article 6

f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

This includes for the purposes of data process management, recording and reporting in accordance with the legal basis of public tasks.

Contained in article 6

a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

This includes for the purposes of taking pictures/electronic media of a specific student and its use on internal documents, websites and marketing materials such as prospectus. Also included will be none emergency use of mobile numbers and emails. The privacy policy will be updated on the web site and any relevant consent updated shortly.

In addition, concerning any special category data contained in article 9:

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

How we collect student information

We also use registrations forms which are entered into the CPOMs system which is a requirement for contact, health and attendance requirements. This is updated when the annual data collection forms are sent out for parents and carers to update them.

Student data is essential for the provision's operational use. Whilst the majority of student 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 certain student information to us or if you have a choice in this.

5. How we store student data

We hold student data securely for the set amount of time shown in our **data retention schedule**. For more information on our data retention schedule and how we keep your data safe contact: - jonathan.mundin@morethaned.co.uk

Data is stored security and monitored by the DPL. Any student files are stored in locked storage areas to restrict access.

6. Who we share student information with

We routinely share student information with:

- schools that the students attend after leaving us
- our local authority
- youth support services (pupils aged 13+)
- the Department for Education (DfE)
- school therapists and specialist such as NHS, including Nurses, Doctors, Occupational and Physio therapists.
- Social Workers involved in the Educational Health Care Plans of students.
- Medical and dietary needs with the teams working with your child to ensure appropriate care.

For on roll learners, the following may apply: -

6.1 Youth Support Services

Learners aged 13+

Once our learners reach the age of 13, and if requested by the Commissioner, we may pass learner 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 or 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.

Learners aged 16+

We will also share certain information about pupils aged 16+ with 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: -

- post-16 education and training providers
- youth support services
- careers advisers

7. Why we regularly share student information

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

Department for Education

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 our local authority for the purpose of those data collections, under:

- section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

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 Government uses your data**' section.

8. How Government uses your data

The student data that we lawfully share with the DfE through data collections:

- underpins student funding, which is calculated based upon the numbers of children and their characteristics in each school.
- informs 'short term' education policy monitoring and provision accountability and intervention
- supports 'longer term' research and monitoring of educational policy

8.1 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>

8.2 The National Computer 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>

For more information about services for young people, please visit our local authority website.

8.3 Sharing by the Department

The law allows the Department to share students' 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 or 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 students per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department has provided student 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/dfе-external-data-shares>

To contact DfE: <https://www.gov.uk/contact-dfe>

9. GDPR and Artificial Intelligence (AI)

The implications AI has for children's privacy, safety and security fall across a wide spectrum, from benefits related to the ability to understand threats facing children with greater specificity and accuracy than ever before (and respond accordingly), to risks around unintended privacy infringements. The positive and negative implications for children's privacy, safety, and security in an AI age are constantly changing as technology and understanding develops. As a school, we use AI tools in accordance with our AI Policy and under appropriate data processing controls. For further details on AI and the risks to children and young people, please see our School Safeguarding and Child Protection Policy.

10. 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.

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
- a right to seek redress, either through the ICO, or through the courts

To make a request for your personal information, or to request* access to your child's educational record, contact:

jonathan.mundin@morethaned.co.uk

*For more information, please also see '**Data Subject Access Request**' section below.

11. Data Subject Access Request

As defined by Article 15 of the UK General Data Protection Regulation (UK GDPR), and as modified by the Data Protection Act 2018, you may make a Data Subject Access Request (DSAR) on behalf of your child.

For your information and understanding, however, whilst a young person under 18 years old can be classified as a child, in law their personal data still relates to and belongs to them.

Our students are all Gillick competence is assessed on an individual basis, taking into account the student's age, understanding, SEMH needs, and capacity to make informed decisions and are mature enough to understand their rights in relation to their own Personal Data, therefore, we will only act under the instruction of the Data Subject in relation to exercising the right of access to their personal data. However, if authorisation is, in fact, provided by the Data Subject, we must still be satisfied that performing the DSAR is in the best interests of the Data Subject.

If we are not satisfied that a DSAR is in the interest of the Data Subject, the request will be refused.

If you have a concern or complaint 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/>

12. Contact

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

jonathan.mundin@morethaned.co.uk