



# Wynyard

CHURCH OF ENGLAND  
PRIMARY SCHOOL



## Privacy Notice

**Date Approved by the Governing Body:** September 2020

**Review by:** September 2021



## **Privacy Notice (How we use pupil information)**

This document is designed to give to pupils and parents an insight into how personal information about pupils is used in Wynyard Church of England Primary School and the other agencies it may be necessary to share that information with and the reasons why.

### **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 eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as Phonics screening results, SATs results)
- Relevant medical information
- Special Educational Needs & Disabilities (SEND) information
- Exclusion/Behavioural information

Within the data we collect is Special Category Data, this is information which is classed as more sensitive, such as race; ethnic origin; health information; religion. This type of data is classed as special because incorrect use could create a more significant risk to a person's fundamental rights and freedoms.

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

We collect and use pupil information under Data Protection Act 1998 (until 25th May 2018):

- Schedule 2(5)(b) - The processing is necessary for the exercise of any functions conferred on any person by or under any enactment
- Schedule 2(5)(d) – The processing is necessary for the exercise of any other functions of a public nature exercised in the public interest by any person
- Schedule 3(7)(b) - The processing is necessary for the exercise of any functions conferred on any person by or under any enactment

We use the pupil data that we collect:

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

The General Data Protection Regulation (GDPR) 25<sup>th</sup> May 2018 requires all businesses and public bodies to comply with the lawful bases for processing data.

### **The lawful basis on which we use this information**

We collect and use pupil information under the Public Task basis:

- Article 6(1)(e) – the processing 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 9(2)(g) – the processing is necessary for reasons of substantial public interest

### **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 for the duration of their time in Wynyard Church of England Primary School and as follows:

- Admission registers are retained permanently - note that this is not the same as the class register in which daily attendance is marked. These are retained in the school for six years from the date of the last entry, then transferred to the archives.
- Pupil Records are retained while the child is in the school; then transfer to the relevant secondary school.
- Class registers are retained whilst the pupils are still at school and for three years after the last date in the register; then destroyed. For example, if a pupil enters school in September 2015 and leaves in July 2022, the September 2022 register for that class can only be destroyed in August 2025.

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

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- other local authorities
- the Department for Education (DfE)
- NHS school health teams
- external parties such as ParentPay and Parent's Evening System

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

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

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

We also share pupil data to:

- Meet our statutory duty to create and maintain an admission register under the Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments, without which schools are unable to enrol a pupil.
- Support teaching and learning. In order to facilitate this, we may share information with the software supplier (listed at the end of this document) to set up the systems needed for pupils and parent/carers to access.
- Monitor and report on academic progress.
- Provide appropriate pastoral care (Keeping Children Safe in Education 2016).
- Assess how well we, as an education provider, are doing.
- Co-operate with the local authority and external partners to improve the well-being of children, under the duty of the Children Act 2004. Working Together to Safeguard Children (2015)
- Share information with the local authority and external partners to support the duty to safeguard and promote the welfare of children, under the Children Act 1989, Section 17. Working Together to Safeguard Children (2015)
- Share data with professionals commissioned by the school or working with a pupil such as the School Nursing Team or health services.
- Comply with our statutory duty under the Education (Pupil Information) (England) Regulations 2005 Statutory Instrument and subsequent amendments in The Education (Pupil Information) (England) (Amendment) 2008 to create a Common Transfer File when a child ceases to be registered at a school and becomes a registered pupil at another school in England or Wales. This would also apply to pupils who are dually registered at more than one school. If a Common Transfer File cannot be sent to a new school when a pupil leaves, one must be sent to the DfE Lost Pupil Database.
- Provide information via statutory census returns to the DfE and in turn this will be available for the use of the local authority to carry out its official functions, or a task in the public interest. Further information can be found online at <https://www.gov.uk/government/publications/school-census-2016-to-2017-guide-for-schools-and-las>
- Send pupil information to the local authority on a regular basis in accordance with our information sharing agreement to enable the local authority to meet its duty under data protection legislation to ensure that the data it holds is accurate and also to carry out its official functions, or a task, in the public interest.
- Comply with the statutory requirements of the Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments, notifying the local authority if a child leaves the school and providing forwarding details. A failure to provide this information will result in pupils being recorded as a “Child Missing Education”, in accordance with the government definition.
- Provide attendance information to the local authority so that its duties under the Anti-Social Behaviour Act 2003, Section 444 of the Education Act 1996 and Section 36 of the Children Act 1989 (Education Supervision Orders) can be met.
- Provide exclusion information to the local authority so that its duty Under Section 19 of the Education Act 1996 can be met.

- Meet our duty to provide information about any exclusions within the last 12 months to the Secretary of State and (in the case of maintained schools and PRUs) the local authority, in accordance with The Education (Information About Individual Pupils) (England) Regulations 2006.

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)

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>

## 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 the school office by email at [admin@wynyardprimary.org.uk](mailto:admin@wynyardprimary.org.uk) and we will provide you with the information that you request.

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 Data Protection regulations

If you have a concern 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:

Mr R Ward (Headteacher)

Mrs L Hails (Finance & Administration Manager)

If you require more information about how the local authority and or DfE store and use your information, please go to the following:

- Public Communications Unit: Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT. Website: [www.education.gov.uk](http://www.education.gov.uk)
- Email: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)
- Telephone: 0370 000 2288