

## Privacy Notice – Malmesbury Park Primary Academy School

This document explains what information will be held about your child, how it will be held and processed by Malmesbury Park Primary Academy School. You can also find out about the General Data Protection Regulations and Data Protection Act 2018 and your rights on the Information Commissioners Website [www.ico.org.uk](http://www.ico.org.uk).

This document contains information about:

1. Why we collect your personal information
2. The categories of pupil information that we collect, hold and share
3. Collecting pupil data
4. Storing pupil data
5. The lawful basis on which we use this information
6. Who we share pupil information with
7. Requesting access to your personal data
8. How to contact us for further information

### 1. Why we collect your personal information

Within Reach South Academies, we use pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to have relevant medical information on each child
- to have emergency contacts for each child
- to assess the quality of our services
- to comply with the law regarding data sharing, including sharing data with the local authority and Department for Education
- to uphold our legal obligations as set out within safeguarding orders
- to maintain any medical or health requirements are upheld or observed (e.g. allergy or dietary requirements)

We will also receive information from pupil's previous school or college, local authority, the Department for Education (DfE), the Learning Records Service (LSR) and on occasions local NHS Trusts.

Schools and local authorities have a (legal) duty under the General Data Protection Regulation (GDPR) to ensure that any personal data they process is handled and stored securely.

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

- Personal information (such as name, unique pupil number, date of birth and address)

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- 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
- Special Educational Needs information
- Behavioural information (such as exclusion details, positive rewards)
- Relevant medical information

Post 16 learning information: This list is not exhaustive, to access the current list of categories of information we process please see: <http://www.reachsouth.org/governance/policies>.

### 3. Collecting pupil information

Pupil data is essential for Reach South Academy Trust's operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it is provided 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.

### 4. Storing and retaining pupil information

We keep information about you on computer systems and sometimes on paper.

We hold your education records securely until you change school. Your records will then be transferred to your new school, where they will be retained until you reach the age of 25, after which they will be safely destroyed.

### 5. The lawful basis on which we use this information

We have a legal obligation to collect and use pupil information under the Education Act 1996.

We also need to use sensitive personal data called "special category data" which requires more protection to keep it safe. This is often information you would not want to be widely known and is very personal to you. It includes: -

- Religious beliefs
- Ethnicity
- Language
- Country of Birth
- Nationality
- Service Child Indicator

We will take extra care of this data. The legal reason for us to collect and use this personal information is:

- to perform our statutory duties and it is required by law (Chapter 2. Art. 6 General Data Protection Regulation. (EU) 2016/679).
- for reasons of public interest (Chapter 2. Art. 9. General Data Protection Regulation. (EU) 2016/679).

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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. It is possible for parents to refuse to provide data on nationality and country of birth, please contact the Data Lead for your Academy listed below if you wish to discuss this.

## 6. Who we share pupil information with

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our local authority
- the Department for Education (DfE)
- Catering and Free School Meal Providers
- School Nurse (inoculations)

We may also share basic pupil data with the following in order to set up:

- Teaching & learning websites for pupils to use at home
- Text messaging service for parents
- School Photo service

### 6.1 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. Please see 5 above. The lawful basis on which we use this information)

#### Department for Education (DfE)

We share pupil 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 are required to pass information about our pupils to the Department for Education (DfE) under regulation 4 of The Education (Information About Individual Pupils) (England) Regulations 2013

#### The Local Authority

We share pupil data with the local authority on a statutory basis. There are several acts and regulations that require the sharing of data between academies and the local authority including;

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- Education (Pupil Registration) (England) Regulations 2006
- Education (Information About Individual Pupils) (England) Regulations 2013

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- Education (Pupil Registration) (Amendment) (England) Regulations 2016
- Education Act 2002, as amended by the Education Act 2011;
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.

The local authority also provides information to the Health Service and the LA Youth Service on behalf of the school. Wherever possible data is anonymised before sharing.

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.

### 6.2 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>.

### 6.3 Youth support services

#### Pupils aged 13+

Once our pupils reach the age of 13, we also pass pupil information to our local authority Youth Support Service Team (14-19 Team) 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 youth support services by informing us. This right is transferred to the child / pupil once he/she reaches the age 16.

### 6.4 The National Pupil Database

The National Pupil Database (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.

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

## 7. Requesting access to your personal data

Under data protection legislation, parents (those with parental responsibility) 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 Headteacher.

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

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- 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/>

## **8. How to contact us for further information**

If you have a concern about how we are using your information, we would ask you to contact us:

Mrs. Green, Headteacher – Malmesbury Park Primary Academy School

As the Data Controller, Reach South Academy Trust have a Data Protection Officer (DPO) that liaises with the Information Commissioner's Office. If you have any serious concerns or information about a suspected or actual breach in data security please contact the Academy Data Lead (processor) listed above in the first instance. Alternatively, the Reach South DPO through: [dpo@reachsouth.org](mailto:dpo@reachsouth.org)

### **Information Commissioner**

For further information about Information Rights legislation, please contact the Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk) or by telephone **0303 123 1113**