



# Privacy Notice

**How personal information of our pupils and parents is used in our primary and secondary academies**

July 2019

## Categories of pupil information

The categories of personal data we primarily collect include: -

- name and address (contact details)
- ethnicity (and religion where appropriate)
- home language
- country of birth
- free school meal eligibility status
- pupil premium eligibility
- results of attainment, internal assessments, and externally set tests / examinations
- photos (for safeguarding purposes; all other use with appropriate consent)
- SEN information (including needs, ranking, Early Help Care Plans and Statements)
- LAC status or any children services involvement
- unique pupil number
- age
- nationality
- attendance (sessions attended, authorised / unauthorised absence plus the reasons) <sup>1</sup>
- records of behavioural and exclusion information <sup>2</sup>
- relevant medical information (including health, medication, dietary and allergies)
- parental arrangements (adoption / fostering / special guardianship orders / child arrangements order / service child status)
- safeguarding information (court orders, professional involvement)

## The process of collecting pupil information

Most pupil information is collected via registration forms when they start at the academy, however some is collected and / or amended as they progress through the academy and some is securely provided to us by their previous school when they join us.

Whilst the majority of pupil information provided to us is mandatory and essential for academy operational use, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation and the Data Protection Act 2018, we will always inform you whether you are required to provide certain pupil information to us or if you have a choice in this at the point it is collected.

## Storing pupil data

Unless there is a statutory or legal obligation to hold it longer, pupil information is held as follows: -

### For primary academies

Pupil information is held whilst the child remains at the academy and on to their secondary school once they leave. It is transferred to their new primary school if the pupil leaves in-year before completing year 6.

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<sup>1</sup> Details of attendance information are not collected as part of the DfE census for pupils who are not of compulsory school age, but 'head count' is used for the Early Years Foundation Years Census. We will also use attendance data to create a pupil register for safeguarding purposes (to establish who is on academy premises), to identify total pupil numbers and to support parents of nursery children in preparation for the national expectations of attendance in Reception years as per our [Early Years Foundation Stage \(EYFS\) policy](#).

<sup>2</sup> Details of exclusion information are not collected as part of the Department for Education's census for pupils who are not of compulsory school age.

## For secondary academies

Pupil information is held whilst the child remains at the school and until 25 years from their date of birth. It will be transferred to their new secondary school if the pupil leaves in-year before completing the final year.

## Why we collect and use information

We collect, hold and share<sup>3</sup> personal information: -

- to support pupil learning
- to monitor and report on pupil progress
- to allow us to support and safeguard our pupils (e.g. allergies / emergency contacts)
- to provide appropriate pastoral care
- to assess the quality of our services
- to meet statutory duties placed upon us for DfE data collections

## The lawful basis under which we use this information

The General Data Protection Regulation (GDPR) requires us to document the conditions that allow the processing of personal data. We primarily rely on GDPR Article 6(1)(c) and Article 6(1)(e) but as special categories of personal information are also processed, we also rely on Article 9(2)(a) where consent is required unless otherwise covered by Article 9(2)(c) and Article 9(2)(h).

For information, these articles are: -

- GDPR Article 6(1)(c)  
Processing is necessary for compliance with a legal obligation to which the controller is subject
- GDPR Article 6(1)(e)  
Processing is necessary for the performance of a task carried out in the public interest
- GDPR Article 9(2)(a)  
The data subject has given explicit consent to the processing of those personal data for one or more specified purposes
- GDPR Article 9(2)(c)  
Processing is necessary to protect the vital interests of the data subject (e.g. supporting pupils with medical conditions)
- GDPR Article 9(2)(h)  
Processing is necessary for the purposes of the provision of health or social care or treatment (e.g. when safeguarding pupils)

The legal obligations referred to above are: -

- the census requirements placed on academies under Regulation 5 of [The Education \(Information About Individual Pupils\) \(England\) Regulations 2013](#)
- our duty to support and therefore process medical information of pupils with medical conditions as per Section 100 of the [Children and Families Act 2014](#) and
- our obligations to comply with DfE statutory guidance [Keeping Children Safe In Education](#) as required by Section 7 in Part 3 of [The Education \(Independent School Standards\) Regulations 2014](#) which applies to academies

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<sup>3</sup> With consent or when required by legislation and / or law

## Parental / additional pupil information

For the purpose of supporting our pupils we will also collect, hold and share<sup>3</sup> some parental or additional information i.e. name, address, contact details, parental responsibility, details of siblings not otherwise already pupils in our academies and details of parents' nominated emergency contacts.

## CCTV

Closed Circuit Television Cameras are in use in order to monitor our premises for security purposes. There are visible signs at our academies showing that CCTV is in operation and images from this system are securely stored where only a limited number of authorised persons may have access to them.

The footage is automatically erased on a regular cycle and is not retained beyond that. We may however be required to temporarily isolate and disclose CCTV footage to authorised third parties such as the police to assist with crime prevention or at the behest of a court order.

## Biometric data

At academies where cashless canteens are in place, biometric information is collected and used only with consent which is sought when a pupil joins the academy. Consent can be withdrawn at any time.

## Images

Consent for use of pupil images for any purpose other than for the pupil record will always be sought; both during the application stage or, for specific and any promotional projects, on a case-by-case basis. Consent can be withdrawn at any time.

## Early years pupil premium registration (primary academies)

Whilst there is no obligation that they do, we encourage nursery parents to see if their child is eligible for 'pupil premium' as the academy receives extra funding if they are. The [early years pupil premium assessment](#) is usually processed by the London Borough of Enfield and in addition to some basic details, their form asks for NI (National Insurance) or NASS (National Asylum Support Service) number.

We can also collect parents' forms and will securely pass them to the local authority for processing which means we will securely, but temporarily hold the NI or NASS number.

We take a copy of the form as proof of sending before securely passing it to the Local Authority. That copy is destroyed once the local authority has returned the original and provided the result of the assessment informing us who is eligible and whether we receive additional funding.

If a child is not eligible, the original form will be securely destroyed. If the child is eligible, the original form will be attached to the child's record and securely destroyed once they leave the nursery.

## Free school meals assessment

Whilst there is no obligation that they do, we encourage parents to see if their child is eligible<sup>4</sup> for free school meals as the academy receives additional funding if they are. The [free school meals assessment](#) is usually processed by the London Borough of Enfield and in addition to some basic details, their form asks for NI (National Insurance) or NASS (National Asylum Support Service) number.

We can also collect parents' forms and start the assessment process at the academy office via the [London Grid for Learning's](#) securely encrypted website as this significantly speeds up the administrative process. This means we will securely, but temporarily hold the NI or NASS number.

We use the information on the form to assess free school meal eligibility via the [free school meals eligibility checker](#) which provides us with a certificate for anyone who is eligible.

If a pupil is not eligible, the original form will be securely destroyed. If the pupil is eligible the certificate is securely passed to the local authority and we retain a copy until the local authority informs us that the eligibility status is recorded on their School Access Module (SAM). Once we receive this notification, the copy is securely destroyed.

## Circumstances when we are or may be required to share data

We do not share information with third parties without the appropriate consent or unless there is a legal or statutory justification which requires or allows 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 Regulation 5 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](#).

Please see the section below entitled 'How government uses pupil data'.

### Ofsted

The Office for Standards in Education (Ofsted) will have access to staff and pupil / parent information as part of their assessment of an academy or the Trust to ensure we are delivering our teaching requirements and objectives.

More details with regard to the data Ofsted use and how they use it is available on their website [www.gov.uk/government/publications/ofsted-privacy-notice/schools-ofsted-privacy-notice](http://www.gov.uk/government/publications/ofsted-privacy-notice/schools-ofsted-privacy-notice)

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<sup>4</sup> Reception, year one and year two pupils are automatically entitled to free school meals but we can also assess if they would otherwise be eligible as, if they are, the academy will receive additional funding.

## Public Health England

### Height and weight measurements

Local authorities are required to collect information on the height and weight of both Reception and Year 6 children as part of the [National Child Measurement Programme](#) to monitor national trends in child obesity and support local public health initiatives. Whilst some information relating to pupils will routinely be shared, parents will be provided with the opportunity to opt-out of the programme itself.

### Dental health surveys

Local authorities are required to undertake dental surveys as part of a programme of work to help improve dental health. However, as dental surveys involve a physical examination, only children for whom parental agreement has been received should be included in a survey.

### Vaccinations

The Secretary of State for Health & Social Care is required to take steps to protect the public from disease, such as by providing vaccination services. This specific responsibility is fulfilled by NHS England, who work with Local Authorities to arrange the vaccinations of children in primary schools. Only children for whom parental agreement has been received will be vaccinated.

The [human papillomavirus \(hpv\) vaccination](#) is offered to pupils at our secondary academy with the full understanding that, whilst parental permission is sought, the decision is legally that of the child.

## Changing schools

As per [The Education \(Pupil Information\) \(England\) Regulations 2005](#), we are required to pass pupil information on to schools / academies that the pupil goes on to attend after leaving us via the Department for Education's ['School to School' \(S2S\) secure data transfer website](#).

This also acts as a temporary information depository where a pupil has left us and the destination is not known to us.

## Secondary academy pupil information (youth and careers support)

For pupils in secondary academies enrolling for post 14 qualifications, the [Learning Records Service](#) will provide us with their unique learner number (ULN) and may also give us details about their learning or qualifications.

### Youth support

In a secondary academy, once a pupil is aged 13 or over we are required by Section 507B of the [Education Act 1996](#) (as amended by [Part 1 of The Education and Inspections Act 2006](#)) to pass on pupil information to providers of youth support services in the area. Unless a pupil resides in another borough to which the information must be shared, for CHAT Academies this is the [London Borough of Enfield's support service for young people aged 13 to 19](#) who have responsibilities in relation to the education or training of 13 – 19 year olds.

We may also share personal information of pupils aged 16 or over with post-16 education and training providers to in order to secure appropriate support on entry to post 16 provision.

## Careers support and advice

Also, CHAT Academies funding agreement requires us to adhere to the requirements of Section 42A and Section 42B of the [Education Act 1997](#) to ensure that careers guidance is provided to our pupils. We therefore pass pupil and destinations information to the [London Borough of Enfield's Careers Service](#) with which they can advise and help pupils understand all the career options and make informed career decisions.

In both cases, and whilst it may limit the range or level of support offered, parent(s) (and pupils over the age of 16) can ask that no information beyond pupil names, addresses and date of birth be passed to the support services however this right transfers to pupils on their 16th birthday.

Anyone wishing to opt out of this arrangement can contact either the academy office directly or CHAT Academies Data Protection Officer (Please see the 'contacts' section below)

## Law enforcement and government bodies

We will only share personal data with law enforcement and government bodies where we are legally required to do so such as: -

- The prevention or detection of crime and / or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, but only where consent has been provided or where it has been sufficiently anonymised to the extent it can no longer identify anyone

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

## Third party suppliers

We may appoint suppliers or service providers to enable us to provide services to our and pupils (for example IT software to assist monitor pupil progress). When doing this, we will: -

- Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
- Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
- Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

## How government uses pupil data

The pupil data that we lawfully share with the DfE through statutory data collections: -

- underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.

- informs 'short term' education policy monitoring and school accountability and intervention (for example, school GCSE results or Pupil Progress measures).
- supports 'longer term' research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

## **Data collection requirements**

To find out more about the data collection requirements placed on us by the Department for Education please visit the following website: -

[www.gov.uk/education/data-collection-and-censuses-for-schools](http://www.gov.uk/education/data-collection-and-censuses-for-schools)

## **The National Pupil Database (NPD)**

Much of the data about pupils in England goes on to be held in 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.

To find out more about the National Pupil Database, please visit the following website: -

[www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information](http://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information)

## **Sharing by the department of education**

The law allows the Department for Education to share pupils' personal data with certain third parties, including: -

- schools and local authorities
- researchers
- organisations connected with promoting the education or wellbeing of children in England
- other government departments and agencies
- organisations fighting or identifying crime

For more information about the Department's NPD data sharing process, please visit the following website: - [www.gov.uk/data-protection-how-we-collect-and-share-research-data](http://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 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department for Education has provided pupil 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: -

[www.gov.uk/government/publications/dfе-external-data-shares](http://www.gov.uk/government/publications/dfе-external-data-shares)



## Right to request access to personal data

Parents / pupils have the right to request a copy of the personal information CHAT Academies holds about them.

This is known as a ‘*subject access request*’ and both this process and how parents can access their child’s educational record, beyond that which we routinely share with them, is fully explained in our [Data Protection Policy](#) available on our website.

Anyone wishing to make a subject access request may do so by contacting the academy office or our Data Protection Officer. **Please see the ‘contacts’ section below.**

### Please note

Anyone wishing to make a subject access request for personal information which the government or DfE process should be made directly to them [www.gov.uk/contact-dfe](http://www.gov.uk/contact-dfe)

Further information about how to do this can be found at the following web link: - [www.gov.uk/government/organisations/department-for-education/about/personal-information-charter](http://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter)

## Other rights of individuals

In addition to above and subject to some legal exemptions which may prevent us from facilitating your request, parents and pupils have certain [data protection rights](#). They have the right to: -

- have their personal data rectified, if it is inaccurate or incomplete
- request the deletion or removal of personal data where there is no compelling reason for its continued processing
- restrict our processing of their personal data (i.e. permitting its storage but no further processing)
- object to direct marketing (including profiling) and processing for the purposes of scientific / historical research and statistics
- not be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on them

These rights are further explained in our [Data Protection Policy](#) available in the policy section on our website. Anyone wishing to exercise these rights request may do so by contacting the academy office or our Data Protection Officer. The Information Commissioner’s office may also be able to assist. **Please see the ‘contacts’ section below.**

## Contacts

If anyone wishes to discuss anything in this privacy notice or has any concerns about how we are collecting or using their personal data, you should raise your questions with us in the first instance.

Please contact either the academy office or alternatively email our Data Protection Manager at [information.access@chat-edu.org.uk](mailto:information.access@chat-edu.org.uk) Please mark all correspondence for the attention of our Data Protection Manager.

Should we not be able to provide a satisfactory answer or if you wish to see independent advice about data protection you may contact the Information Commissioner's Office (ICO) directly: -

Information Commissioner's Office

Wycliffe House | Water Lane | Wilmslow | Cheshire SK9 5AF

0303 123 1113

[www.ico.org.uk](http://www.ico.org.uk)

## Review

This privacy notice is regularly reviewed in line with any new or changes to current personal data we process or in line with any legislation which governs that processing.

The last update was as per the date on the front page of this document and will be further reviewed as per above or no later than two years from that date; whichever is sooner.