

Privacy Notice (How we use pupil information)

We, West Derby School are a Data Controller for the purposes of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (when it receives Royal Assent). We are a single academy trust and are registered with the Information Commissioner with Reg. No. ZA140863.

Contact

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

Mr T Card, Data Protection Officer either by telephone on 0151 235 1300 or by email to a.card@westderbyschool.co.uk .

Why we collect and use this information

Section 537A of the Education Act 1996 requires schools to collect and provide any such individual pupil information as may be prescribed. This includes sharing of a set of named pupil records through the submission of termly school census returns to the local authority and DfE.

Putting the school census on a statutory basis:

- means that schools do not need to obtain parental or pupil consent to the provision of information
- ensures schools are protected from any legal challenge that they are breaching a duty of confidence to pupils
- helps to ensure that returns are completed by schools

To find out more about the data collection requirements placed on us by the Department for Education go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

We also collect and share individual pupil information with the local authority - including attendance and exclusions data- each week. This is supported under The Education (Pupil Registration) (England) Regulations 2006 Regulation 12; Children's Act 2004 Section 10: co-operation to improve wellbeing; Children's Act 2004 Section 11: arrangement to safeguard and promote welfare; Education and Inspections Act 2006 Section 38 and Working together to safeguard children March 2013 Guidance.

This information is used by the local authority to fulfil a number of statutory duties:

- to ensure there are sufficient school places in the area
- promote high education standards
- ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential
- the need to meet the local authority's safeguarding requirements
- to facilitate the ability of partner organisations to support the learning and welfare of children and young people through the exchange of data and the use of information not otherwise available to either organisation.

For more information on how the local authority uses information we share with them go to <http://liverpool.gov.uk/schools-and-learning/requests-for-pupil-records/>

We also use the pupil data:

- 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
- to deliver provision as set out in an education health and care plan
- to assess special educational needs
- to enter pupils for examinations
- to monitor welfare and keep records of safeguarding concerns

The lawful basis on which we use this information

We collect and use pupil information under Articles 6 of the GDPR (General Data Protection Regulations). These Articles set out the lawful reasons that we can process pupil data. We rely on the following for the vast majority of the processing we undertake:

- Article 6.1a - consent: we seek and rely on consent in limited circumstances which include processing pupil images on our website, school prospectus and social media.
- Article 6.1c – processing is necessary for compliance with a legal obligation to which West Derby School is the subject - which includes collecting information on admissions, keeping attendance records, recording and reviewing exclusions; sharing with statutory bodies and preparing and retaining safeguarding records;
- Article 6.1e – processing is necessary for the performance of a task carried out in the public interest: this covers when we monitor pupil performance within the curriculum, keep parents advised of process or concerns about pupils and promote performance and achievement;

We also process special categories of personal data which includes health information, sexual orientation, religious/philosophical beliefs and ethnic origin. When processing this information we need to rely on a condition under Article 9 of the GDPR. For the majority of pupil data we process we rely on the following conditions:

- Article 9.2g – processing is necessary for reasons of substantial public interest: this includes meeting needs for SEN and disabilities, sharing information for welfare and safeguarding concerns, processing individual health care plans and dealing with matters raised through pastoral care.;
- Article 9.2a - explicit consent: we will rely on this to process finger prints in our cashless catering services.

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.

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 key stage test results and assessments)
- Special educational needs information
- Information on children who are young carers in order to ensure any additional, available support is provided
- Exclusions/ behavioural information
- Post 16 learning information
- Biometric data in the form of finger prints in order to use our cashless catering services
- Images for internal identification and to use on our website and social media

Who we share pupil information with

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- alternative education provision establishments for pupils who are educated off site
- our local authority – Liverpool City Council
- the Department for Education (DfE)
- School Nurse
- NHS professionals including CAMHs
- On our e-mail system which is hosted by a third party
- Our IT network which is hosted by a third party including cloud storage
- SIMS (by Capita) which collects and stores pupil contact and attendance information
- Show My Homework
- Keep Kids Safe
- MathsWatch
- SISRA
- GCSE Pod
- Class Charts

- Braisewick Photography
- Promptable

Why we share pupil information

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.

Youth support services

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 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.

Pupils 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

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 Mr T Card, the school's Data Protection Officer.

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
- complain to the Information Commissioner's Office or seek judicial remedy in certain circumstances

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/>

Storing pupil data

We hold pupil files for 25 years from the pupil's date of birth. This includes behaviour records, attendance information and performance in the curriculum and exams. We do not keep all information collected for this period. We rely on the guidance provided by the Department for Education and the Information and Records Management Society. Please see the school's Data Retention Policy, available upon request from V.McGarry (v.mcgarry@westderbyschool.co.uk or 0151 235 1300)

For a copy of the school's Privacy Policy, please visit www.westderbyschool.co.uk