

# **PRIVACY NOTICE**

## **HOW WE USE PUPIL, PARENT/CARER INFORMATION**

**December 2023**

# **Hollyfield Primary School**



<b>Version:</b>	December 2023
<b>Ratified by the Governing Body:</b>	6 December 2023
<b>Signed by the Governing Body:</b>	
<b>To be reviewed:</b>	December 2025

Hollyfield Primary School are the data controller for the purposes of Data Protection Law.

This policy covers our use and collection of pupil, parent/carer information.

### **Why do we collect and use pupil and parent/carer information?**

We collect and use information under the following Acts of parliament and associated legislation.

The Education Act, amendments and accompanying regulations - for example; Section 537A of the 1996 Act enables the education setting to collect information to perform the Department of Education's termly census.

Section 40(2)(a) of the Childcare Act 2006 - Early Years Foundation Stage and Section 87 of the Education Act 2002 - Key Stage 1 and Key Stage 2, enables primary age education settings to collect information for the assessing and reporting of the national curriculum.

There are various versions of the Education Act both preceding and following the 1996 Act that have influence on what information is required and how it is processed such as: The Education Reform Act 1988, Further and Higher Education Act 1992, Education Act 1994, School Standards and Framework Act 1998, Teaching and Higher Education Act 1998, Education Act 2002, Higher Education Act 2004, Education Act 2005, Education and Inspection Act 2006 and Education Act 2011, The Education (Pupil Information) England Regulations 2005 and associated regulations and statutory instruments.

Where appropriate we also rely on:

- The Children Act and subsequent amendments
- The Common Law Duty of Care
- Health and Safety at Work Act
- Working together to Safeguard Children Guidelines (DfE)
- Keeping Children Safe in Education Guidance (DfE)
- Equality Act 2010
- The Disability Discrimination Act
- Special Educational Needs (SEN) Code of Practice
- Safeguarding Vulnerable Groups Act
- Limitation Act 1980

We collect and use the information on pupils, parents and carers, for the following purposes:

- to support pupil learning
- to monitor and report on pupil 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 by the government, DfE and Local Authority
- to comply with the law regarding data sharing

**The categories of information that we collect, hold and share include:**

- Personal identifiers and contacts (such as: name, unique pupil number, contact details and address details)
- Characteristics (such as: ethnicity, language, gender, religion, date of birth, free school meal eligibility)
- Special educational needs (including the needs and ranking)
- Safeguarding information (such as court orders and professional involvement)
- Medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- Attendance information (such as sessions attended, number of absences and absence reasons, late marks and any previous school attended)
- Assessment and attainment information (such as EYFS, Key Stage and internal academic assessment information and any relevant results)
- Behavioural information (such as exclusions and any relevant alternative provision put in place)

For a further example of information typically held by school, please see the Department of Education (DfE) Common Basic Data Set, here

<https://www.gov.uk/government/publications/common-basic-data-set-cbds-database>

**Collecting your information**

Pupil data and parent/carer data is essential for a schools operational use. We collect your information via registration forms at the start of the school year and Common Transfer Files (CTF) or secure file transfer from previous schools when applicable.

Whilst the majority of information you provide to us is mandatory, some of it is provided to us 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 pupil information to us or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

We intend to collect consent to process information for photographs and participation of off-site educational visits. Please note, you have a right to withdraw consent at any time and can contact the school to do this.

We will request that you provide us with contact details of others, for example, in case of emergency or when you may not be available please ensure that they are aware their information has been passed to the school.

We will also receive the above types of personal information, where relevant, from the previous school/nursery and may also receive information from the Local Authority (LA) and the DfE.

## **Storing data**

The information we collect, use and store about pupils and their parents/carers is retained on our computer systems and in paper files, either until it is updated/superseded or until the pupil leaves the school where it will be passed on to the receiving school in accordance with the Education (Pupil Information) England Regulations 2005. Records are retained by a Secondary school for the period of 25 years from the date of birth of the child. Further information on how long schools retain information can be seen in the Information Records Management Society Toolkit for schools available at this link: [School records retention periods](#). Where we have a need or requirement to retain information we will do so for no longer than necessary. We may retain some information for statistical reporting purposes or where safeguarding concerns or incidents have taken place.

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

To provide our services we routinely share information with, but not limited to:

- Relevant staff within the school
- The Parent Teacher Association (PTA)
- The school that a pupil attends after leaving us
- Our Local Authority and other LA's and Academies when applicable
- The Department for Education (DfE)
- Health Services:
  - NHS England - personal data shared including child's name, date of birth and address for height/weight, visual/hearing, dental checks and pastoral care via school nurse and schools health services.
  - Vaccinations - administrator for flu vaccine to pupils. Information shared including children's name and class.
- CPOMS - online application for monitoring child protection, safeguarding, pastoral and welfare issues. Data shared includes child's name, class, any siblings and details of any concerns or disclosures.
- Education Support Services:
  - SENAR
  - Pupil & School Support
  - Communication Autism Team (CAT)
  - Local Authority, School & Governor Support, DfE
- Sports Coaches and After School Clubs run by external agencies - data shared includes child's name, class and medical information.
- School Photographer - data shared includes child's name and class.

- School Money - online payment service - Personal data includes child's name, address, UPN, class and free school meal entitlement.
- Eduspot, Groupcall messaging service
- IT providers – EXA Networks, Securus Monitoring, Sophos, Mobile Guardian, Wonde.
- Aspire
- Bikeability
- Curriculum Service Providers
  - 2Simple – eg Purple Mash / Evidence Me
  - Microsoft - eg Microsoft Office 365 and Teams
  - Capita - Sims
  - My Maths
  - TT Rockstars
  - Athletics
  - Insight Data
  - Juniper Education – Assessment tools
  - Premier Sports
  - Collins
  -

We are committed to working with the local authority in protecting and safeguarding children and young people. As a consequence, we intend, where relevant to do so, to share information with the Multi-Agency Safeguarding Hub (MASH) which is a multi-agency team of professionals from social care, police, health and education. It ensures that the most appropriate response is provided to effectively safeguard and protect a child.

The MASH is the single point of contact for safeguarding concerns, the MASH share information appropriately and securely on children or young people in order to take timely and appropriate actions. The teams also provide information and advice across a range of child and family services.

We also share appropriate pupil information with the School Nursing Service and other NHS Services to improve and monitor children's health.

### **Why we share information**

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

We use the data listed above to:

- a) Report to you on your child's attainment and progress
- b) Keep you informed about the running of the school (such as emergency closures) and events
- c) Process payments for school services and clubs

- d) Provide appropriate pastoral and safeguarding care
- e) Protect pupil's health and welfare
- f) Administer admissions & waiting lists
- g) Assess the quality of our services
- h) Carry out research with other organisations
- i) Comply with our legal and statutory obligations
- j) Marketing and promotion of school events

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 also required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

### **Our lawful basis for using this data**

Our lawful basis for processing personal data for the purposes listed above are:

- For the purposes of **A, D, E, F, I**, in accordance with the 'public task' basis – we need to process data to fulfil our statutory function as a school as set out here: *EYFS curriculum, Childcare Act 2006, Keeping Children Safe in Education, Education Act 2002, Working Together to Safeguard Children, Children Act 2004.*
- For the purposes of **A, D, E, F, I**, in accordance with the 'legal obligation' basis – we need to process data to meet our responsibilities under law as set out here: *EYFS curriculum, Childcare Act 2006, Keeping Children Safe in Education, Education Act 2002, Working Together to Safeguard Children, Children Act 2004.*
- For the purposes of **G, H, J**, in accordance with the 'consent' basis – we will obtain consent from you to use your personal data
- For the purposes of **D and E**, in accordance with the 'vital interests' basis – we will use this personal data in a life-or-death situation.

- For the purposes of **C**, in accordance with the 'contract' basis – we need to process personal data to fulfil a contract with you or to help you enter into a contract with us

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

## **Data Collection Requirements**

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

## **Local Authorities**

We may be required to share information about our pupils with the local authority to ensure that they can conduct their statutory duties under

- the Schools Admission Code, including conducting Fair Access Panels.

## **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:

**School Census** - 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.

## **Requesting access to 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:

Adam Hall  
Hollyfield  
Hollyfield Road  
Sutton Coldfield  
B75 7SG

Primary

School

[dpo@hollyfield.bham.sch.uk](mailto:dpo@hollyfield.bham.sch.uk)

0121 378 0672

In order to access the personal data we hold we may request photographic identification in the form of:

- current passport bearing a photograph and signature, or
- driving license, bearing a photograph and signature.

If you do not hold a current passport or driving license two copies of other identification documents may be accepted as an alternative, such as:

- birth certificate
- utility bill from preceding three months bearing current address
- current vehicle registration document
- bank statement from preceding three months current rent book

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

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/>

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

### **Withdrawal of consent and the right to lodge a complaint**

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting either Adam Hall (Data Protection Officer) or Maria Fisher (School Business Manager).



**Last updated**

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated in November 2023.

## **How the Government uses your data**

The pupil data that we lawfully share with the DfE through 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 (for example; via the school census) go to <https://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 NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

## **Sharing by the DfE**

The law allows the DfE to share pupils' 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 and 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 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department 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: <https://www.gov.uk/government/publications/dfе-external-data-shares>

### **How to find out what personal information DfE hold about you**

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department:

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

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