

## Hazelwick School

### **Privacy Notice - Students**

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#### **The EU General Data Protection Regulation (GDPR)**

As of the 25th May 2018 the General Data Protection Regulation (GDPR) replaced the Data Protection Act (DPA).

#### **Data Controller**

Hazelwick School complies with the GDPR and is registered as a 'Data Controller' with the Information Commissioner's Office (Reg. No. Z3160198).

The Data Protection Officer (DPO) for the school is Mr J Hillier.

We ensure that student personal data is processed fairly and lawfully, is accurate, is kept secure and is retained for no longer than is necessary.

#### **The Legal Basis for Processing Personal Data**

The main reason that Hazelwick School processes personal data is because it is necessary in order to comply with the school's legal obligations and to enable it to perform tasks carried out in the public interest.

The school may also process personal data if at least one of the following applies:

- in order to protect the vital interests of an individual
- there is explicit consent
- to comply with the school's legal obligations in the field of employment and social security and social protection law
- for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
- for reasons of public interest in the area of public health
- for reasons of substantial public interest, based on law, which is proportionate in the circumstances and which provides measures to safeguard the fundamental rights and the interests of the data subject;

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

- personal information (such as name, unique pupil number and address and contact details, carers' details)
- 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, behavioural information, details of any exclusion information,)
- national curriculum assessment results, examination results\*,

- where students go after they leave us
- any special educational needs or disabilities as well as relevant medical information

*\*We celebrate the achievements of students and will publish a small selection of students' results on the school website and around the school to motivate and inspire younger students.*

For students enrolling for post 14 qualifications, the Learning Records Service will give us the unique learner number (ULN) and may also give us details about a student's learning or qualifications.

### **How we use information**

We collect and hold personal information relating to our students and those involved in their care, we may also receive information from previous schools, the local authority(s) and/or the Department for Education (DfE).

We use this personal data to:

- support our students' learning
- support our students' welfare
- monitor and report on their progress
- provide appropriate pastoral care
- assess the quality of our services
- process any complaints
- protect vulnerable individuals
- the prevent and detect crime

### **Who we share data with**

We may pass data to:

- the local authority
- schools that a student attends after leaving Hazelwick School
- The Department for Education (DfE)
- NHS
- third-party organisations, as allowed by law
- agencies that provide services on our behalf
- agencies with whom we have a duty to co-operate

**For further information about who we share with and why please see APPENDIX A.**

## **Retention Periods**

Personal data will not be retained by the school for longer than necessary in relation to the purposes for which they were collected.

Information will be held in accordance with the Information and Records Management Society Tool Kit for Schools.

<https://irms.site-ym.com/page/SchoolsToolkit>

## **Photographs**

Hazelwick School may take photographs, videos or webcam recordings of students for official use, monitoring and for educational purposes.

Photographs may also be taken of those attending a trip/ceremony which may appear on the school website, newsletters and in newspapers. This will only be the case for students who have consented to this with the Hazelwick School Photograph consent form. For pictures given to newspapers, students aged 16 and over or parents/carers (if student is younger than 16), will be made aware that this is happening and the context in which the photograph will be used.

## **CCTV**

The school operates CCTV on the school site as it is considered necessary to protect students' safety and the school's property.

## **Biometrics**

The school operates biometric recognition systems for borrowing books from the library and to purchase food in the canteen.

All data collected will be processed in accordance with the GDPR Data Protection Principles and the Protection of Freedoms Act 2012.

The written consent of a parent/carer will be obtained before biometric data is taken and used. If one parent/carer objects in writing, then the school will not take or use the student's biometric data.

For more information about biometric data please refer to the ICO Guidance at the link below:

<https://www.gov.uk/government/publications/protection-of-biometric-information-of-children-in-schools>

## **Rights**

Parents/carers (if student is younger than 16)/students have the right to:

1. be informed of data processing (which is covered by this Privacy Notice)
2. access information (also known as a Subject Access Request)
3. have inaccuracies corrected
4. have information erased
5. restrict processing
6. data portability
7. intervention in respect of automated decision making (automated decision making is rarely operated within schools)
8. withdraw consent (see below)
9. complain to the Information Commissioner's Office (See below)

To exercise any of these rights please contact the DPO

## **Withdrawal of Consent**

The lawful basis upon which the school process personal data is that it is necessary in order to comply with the school's legal obligations and to enable it to perform tasks carried out in the public interest.

Where the school process personal data solely on the basis that parents/carers (if student is younger than 16) have consented to the processing, parents/carers (if student is younger than 16) will have the right to withdraw that consent.

## **Complaints to ICO**

If parents/carers (if student is younger than 16)/students are unhappy with the way a request has been handled, parents/carers (if student is younger than 16)/students may wish to ask for a review of our decision by contacting the DPO.

If not content with the outcome of the internal review, parents/carers (if student is younger than 16)/students may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless parents/carers (if student is younger than 16)/students have exhausted our internal review procedure. The Information Commissioner can be contacted at:

The Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF.

## **APPENDIX A**

### **Who we share data with and why**

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

We share students' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring. Sharing is typically handled in bulk, such as for the school census.

We are required to share information about our students with the (DfE) under regulation 5 of The Education (Information About Individual Students) (England) Regulations 2013.

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>.

We may also share certain information about students 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

A parent/carer can request that only their child's name, address and date of birth be passed to the provider of Youth Support Services in the local area by informing the DPO. This right is transferred to the child once he/she reaches the age 16.

For more information about services for young people, please go to the local authority website [[www.westsussex.gov.uk](http://www.westsussex.gov.uk)].

### **Career Guidance**

The school manages career guidance, part of our statutory provision requirements for our students, through an external agency, Inspiring Futures. Only such data as is necessary to facilitate an efficient and effective service is passed over; limited to name, form and date/time of appointment. Special Educational Needs data is sometimes given where this will assist the process. This is in paper form and confidentially disposed of once the appointment is completed. Feedback forms, prepared by Inspiring Futures' team, are given to each student. Copies may be kept and placed in the student's individual file.

## The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education (DfE) and contains information about students 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 students 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 Students) (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 DfE may share information about our students 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 DfE 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 student 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 DfE'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 student 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>

## Local Authority - education and training

We are required, by law, to pass certain information about our students to local authority's.

The LA holds information about young people living in its area, including about their education and training history. This is to support the provision of their education up to the age of 20 (and beyond this age for those with a special education need or disability). Education institutions and other public bodies (including the DfE), police, probation and health services) may pass information to the LA to help them to do this.

The LA shares some of the information it collects with the Department for Education (DfE) to enable them to; produce statistics, assess performance, determine the destinations of young people after they have left school or college and to evaluate Government funded programmes.

The LA may also share information with post-16 education and training providers to secure appropriate support for them. They may also share data with education establishments which shows what their students go on to do after the age of 16.

If parents/carers (if student is younger than 16)/students want to see a copy of personal information that the LA holds, please contact the Data Protection Officer: [FOI@westsussex.gov.uk](mailto:FOI@westsussex.gov.uk)

## Clinical Commissioning Groups (CCG's)

Schools are required, by law, to pass certain information about our students to CCG's.

CCG's use information about students for research and statistical purposes, and to develop, monitor and evaluate the performance of local health services. These statistics will not identify individual students. It is necessary for certain health information about children (for example, such as their height and weight) to be retained for a certain period of time (designated by the Department of Health) and requires these CCG's to maintain children's names and addresses for this purpose. CCG's may also provide individual schools and Local Authorities (LAs) with aggregated health information which will not identify individual children.

## Local Authority – social services

In order to comply with our statutory safeguarding duties, we are required, by law, to pass certain information about our students to local authorities. Information will only be shared where it is fair and lawful to do so.

If parents/carers (if student is younger than 16)/students want to see a copy of personal information that the LA holds, please contact the Data Protection Officer: [FOI@westsussex.gov.uk](mailto:FOI@westsussex.gov.uk)

## Police, Fire and Rescue Service, Ambulance Service and other emergency or enforcement agencies

In order to comply with our duty of care to students, our statutory safeguarding duties and our obligations in respect of the prevention and detection of crime, we may also share personal data with other statutory and partnership agencies.

## **APPENDIX B**

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

The student 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 Student 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 Student Database (NPD)**

Much of the data about students in England goes on to be held in the National Student Database (NPD).

The NPD is owned and managed by the DfE and contains information about students in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the DfE.

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-student-database-user-guide-and-supporting-information>

### **Sharing by the Department for Education**

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

For information about which organisations the DfE has provided student 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/dfe-external-data-shares>

### **How to find out what personal information Department for Education hold about you**

You are entitled to ask the DfE:

- 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 DfE, you should make a 'subject access request'. Further information on how to do this can be found within the DfE'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>