



# Tomlinscote School

## PRIVACY NOTICE (How we use pupil information)

We, Tomlinscote School, acting on behalf of The Prospect Trust, are a data controller for the purposes of the Data Protection Act (2018) and UK General Data Protection Regulations (UK GDPR). We collect personal information from you and may receive information about your child(ren) from their previous school and the Learning Records Service.

### 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
- Relevant medical information
- Special Educational Needs information
- Exclusions and behavioural information
- Post-16 learning information.

### Why we collect and use this information

We use the pupil data to:

- support pupil learning
- monitor and report on pupil progress
- provide appropriate pastoral care
- assess the quality of our services
- comply with the law regarding data sharing.

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

We collect and use pupil information under:

**Article 6** of the **UK GDPR**. This is where processing is necessary for the purposes of the legitimate interests, such as required under the Education Act 1996, of the School or of a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the pupil that require protection of personal data.

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**Article 9 of the UK GDPR.** This prohibits the processing of special categories of personal data (currently: racial or ethnic origin, political opinions, religious or philosophical beliefs, and the processing of genetic data, biometric data for the purpose of uniquely identifying a pupil, data concerning health or data concerning a pupil's sex life or sexual orientation) unless one or more of the following apply:

- the pupil has given express consent
- processing is necessary for the purposes of carrying out the obligations and legitimate interests and exercising specific rights of the controller or of the pupil
- processing relates to personal data which are manifestly made public by the pupil.

### **Collecting pupil information**

While 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 UK GDPR, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

### **Storing pupil data**

We hold pupil data for the length of time recommended by the Information Record Management in Schools.

### **Whom we share pupil information with**

We routinely share pupil information with:

- schools that the pupils' attend or expect to attend after leaving us
- our local authority
- the Department for Education (DfE).

When deemed to be in the interests of the pupil, we occasionally share pupil information with:

- the school nurse
- the NHS
- appropriate partners (where it is in the students' interests to do so e.g. allergy information when attending an off-site event or school trip).

### **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.

We share pupils' data with the 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.

### **Data collection requirements:**

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

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## **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 they reach 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.

For more information about services for young people, please visit our local authority website.

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

The NPD is owned and managed by the DfE 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.

The law requires us 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.

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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 our Data Protection Officer by email at [dpo@prospecttrust.org.uk](mailto:dpo@prospecttrust.org.uk).

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
- 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/>.

### **Contact**

If you would like to discuss anything in this privacy notice, please contact our Data Protection Officer by email at [dpo@prospecttrust.org.uk](mailto:dpo@prospecttrust.org.uk).