

# Bratton Primary School



## Privacy Notice – How we use pupil information

## **Privacy Notice (How we use pupil information)**

When your child starts at school and, as they continue to progress through the education system, we ask for and collect data in order to fulfil certain legal obligations and to support your child with their education, as well as their personal and social development. We take our responsibilities in this respect very seriously and your data is only shared with outside authorities where we are either legally required to do so, or to inform other agencies who are also involved in supporting your child whilst at school. There may also be times where medical information needs to be shared in the event of an emergency.

We have policies and procedures in place to ensure that we store and transmit all data in a secure way to protect your child's rights. A copy of our Secure Data Handling Policy, which covers this, can be viewed on the school website.

The purpose of this Privacy Notice is to inform you about the data we hold, who we share it with, why we share it and how long we retain it all. We are also, by law, required to advise you of the 'lawful basis/bases' under which we collect and process the data, as defined by the 'General Data Protection Regulations Act (GDPR)'.

***You can also find out more information about that by visiting our school website.***

The data that we collect about your child is defined by the GDPR as 'personal data' and in some cases is also called 'special category data', data which is perceived as being more sensitive (e.g. data on ethnicity and religion as well as medical data).

### **The categories of pupil information that we collect, hold and share for all pupils include:**

**Personal information:** such as name, unique pupil number, address and date of birth

- **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 and any exclusions
- **Medical information:** such as allergies, medical conditions, disabilities, physical and mental developmental difficulties, doctor's contact details
- **Educational information:** such as school reports, assessment data, exam and test results

### **For some children we will also collect, hold and share data which includes:**

- **Educational information:** such as information on their Special Educational Needs, reports and support provided by external agencies and 'Educational Health Care Plans'
- **Data on behaviour:** such as data on any exclusion and/or records of any major breaches of school policy
- **Date on Safeguarding:** such as concern sheets and Child Protection Plans

### **Why we collect and use this information**

We 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 support the work of other external organisations involved in the support of your child

**In addition, throughout the school year we also take photographs and videos of pupils which are used:**

- for displays around the school
- within our school prospectus and on our school website
- reports for sporting events, school plays or other purposes within school publications and the general media

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

**We collect and use ‘personal data’ under the following ‘lawful bases’, as defined within the GDPRs:**

- to fulfil our duties as a public authority, which is defined as our **‘public task’**
- in order to ensure that we provide your child with the right level of support in order for them to progress well during their time at school, which is defined as our **‘legitimate interest’**
- in the case of an emergency where your child might be in need of medical help and we are unable to contact you, which is defined as their **‘vital interest’**

**We collect and use ‘special categories of personal data’ under the following ‘lawful bases’ as defined within the GDPR:**

- Article 9(2)(a): where you have understood the reason for us requesting the data and have given your consent to us doing so for the purpose specified.
- Article 9(2)(b): where processing is necessary for the purposes of carrying out the obligations in the area of social protection law
- Article 9(2)(c): that processing is necessary to protect the vital interests of your child or of another person where you or your child are physically or legally unable to give consent.
- Article 9(2)(d): that processing is carried out in the course of our legitimate activities, with appropriate safeguards

For the taking and use of photographs and/or videos of pupils our lawful basis as defined within the GDPR is ‘consent’. We will write to you when your child starts at our school to ask for your consent and will supply you with more detail.

### **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.

### **Storing pupil data:**

We hold the majority of pupil data for the time that your child remains at our school. When they transfer to another primary school and/or on to a secondary school, their data is also transferred.

Their final school will hold the majority of pupil data (contained within their individual pupil files) until they reach the age of 25. Some data is held for a shorter period of time and is thereafter destroyed. More detailed information can be found by asking at the school office.

### **Who we share pupil information with:**

We routinely share pupil information with:

DfE, Wiltshire Council (LA), School Nurse, Chartwells Catering, Outside coaching agencies – PH Sports, Active Trowbridge, Junior Jam PPA, Peripatetic Music teachers.

### **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 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 our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013

In addition, if your child joins our school from another school, their individual pupil files will be transferred with them and similarly, when your child leaves our school to attend another school (either primary or secondary) their individual pupil files will be transferred with them, including information regarding any special educational needs they might have, contact with external agencies and/or child protection files.

### **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 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 National Computer Database**

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 the School via [admin@bratton.wilts.sch.uk](mailto:admin@bratton.wilts.sch.uk) or our Data Protection Officer, Audit West, [audit\\_west@bathnes.gov.uk](mailto:audit_west@bathnes.gov.uk)

The request must be received in writing and the School will endeavour to get the information to you in no more than 20 working days.

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: the School via [admin@bratton.wilts.sch.uk](mailto:admin@bratton.wilts.sch.uk) or 01380 830511 or our Data Protection Officer, Audit West, [audit\\_west@bathnes.gov.uk](mailto:audit_west@bathnes.gov.uk)

## **Appendix – Lawful basis – additional information**

The majority of the data that we are required to collect from you when your child becomes a pupil at our school is covered by our legal obligation as a public body and is defined as our ‘public task’. This is because we are legally required to pass this data on, in the form of a ‘School Census’ to the Department for Education (DfE) and our Local Authority (LA). However, in addition to this, we ask for other information from you that we are not required to pass on or report to either the DfE or the LA. We ask for this data in order to ensure that we can give your child all the support that they need whilst they are a pupil at our school and contact and communicate with you, as their parents, effectively.

Legally, we are still required to provide you with our ‘lawful bases for collecting this data. There are two lawful bases that we have applied, depending on the nature of the data; the first is our ‘legitimate interests’ and the other our ‘vital interests’.

The table below details that data, what our ‘legitimate interests’ and ‘vital interests’ are and the consequences of you not supplying that data, to help you understand our need for it in a practical way.

You can find out more information about the General Data Protection Regulations by visiting our website or asking for an information pack from the school office.

Alternatively, you can obtain information from the Information Commission’s website:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

Please note that you have the ‘Right to Object’ to our use of this data. What this means is that that if you have any objection to the way that we are processing this data, on “grounds relating to your particular situation” we must stop processing the data unless we can demonstrate compelling reasons why we should continue.

If you have any questions about how this data is used, please contact our Data Protection Officer who is Audit West, and can be reached via our school office and via email at [audit\\_west@bathnes.gov.uk](mailto:audit_west@bathnes.gov.uk). You can also contact our DPO should you wish to raise any objections directly with them.

ADDITIONAL DATA NOT REQUIRED AS PART OF OUR PUBLIC TASK	WHAT IS OUR LEGITIMATE INTEREST?	WHAT IS OUR VITAL INTEREST?	WHAT HAPPENS IF I DO NOT SUPPLY THIS INFORMATION?
<p><b>Medical and developmental information requested when joining this school::</b></p> <ul style="list-style-type: none"> <li>• Doctor’s contact details</li> <li>• Medical history</li> <li>• Relevant family medical history</li> <li>• Physical &amp; developmental history e.g. speech, hearing, walking sight etc</li> <li>• Pre-school contact with any external support agencies</li> <li>• Social or emotional problems</li> <li>• Carer for other family members</li> <li>• Details of pre-school placement</li> <li>• Details of pre-school SEN status</li> </ul>	<ul style="list-style-type: none"> <li>• We require this information In order for us to fully support your child to the best of our ability.</li> <li>• Knowledge about the development milestones for your child and any support that they have received prior to attending our school will help us to assess and put in place the necessary support for your child whilst at our school.</li> </ul>	<ul style="list-style-type: none"> <li>• Up to date medical information, including the contact details of your child’s GP, is vital in the event of any emergency during school hours where we are unable to contact you prior to treatment being administered.</li> </ul>	<ul style="list-style-type: none"> <li>• Unless we are made aware of all relevant information concerning your child, as requested, (e.g. relevant developmental history and/or additional support that your child might have received prior to joining our school, we will lack the necessary information we need to ensure that we provide the correct support from the moment your child joins our school.</li> </ul>
<p><b>Additional records maintained whilst a pupil at this school:</b></p> <ul style="list-style-type: none"> <li>• Contact with external agencies</li> <li>• Behaviour support</li> <li>• Records of major breaches of school policy</li> </ul>	<ul style="list-style-type: none"> <li>• To ensure that we have a full picture of your child’s development, both educationally and socially and to be able to communicate effectively with parents and other external agencies as required to ensure that appropriate support is provided.</li> <li>• To ensure that parents are kept informed of any concerns that they school might have regarding behavioural issues so that the school, parents and the pupil concerned can work together to resolve them.</li> </ul>	<p>Not Applicable</p>	<ul style="list-style-type: none"> <li>• If we are not provided with information from external agencies that have either reviewed your child (even if you have initiated this independently) nor any information of support that has been provided by any external agencies, it prevents us from working in a coordinated manner to support your child.</li> <li>• If we do not maintain proper records regarding major breaches of school behaviour policy, we are unable to inform you properly, nor are we able to build up a picture that might help us to support each pupil as required.</li> </ul>

PERSONAL CATEGORY DATA COLLECTED BY SCHOOLS UNDER THE LAWFUL BASIS OF A 'PUBLIC TASK'					
PERSONAL DATA	LAWFUL BASIS (ARTICLE 6)	LEGISLATION	WHO SHARE IT WITH	WHY WE SHARE IT	RETENTION PERIOD
<b>Personal information:</b> <ul style="list-style-type: none"> <li>Names</li> <li>Address</li> <li>Unique Pupil Number</li> <li>Sex</li> <li>Date of birth</li> </ul>	1. Public Task	<ol style="list-style-type: none"> <li>The Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments of 2010/2011/2013</li> <li>The Education (Information about pupils) (England) Regulations 2013</li> </ol>	<ol style="list-style-type: none"> <li>Department for Education</li> <li>Stored on school system</li> </ol>	1. School Census	Pupil file: DOB +25 years
<b>Characteristics:</b> <ul style="list-style-type: none"> <li>Nationality</li> <li>Ethnicity</li> <li>First language and other languages spoken</li> <li>Eligible for Free School Meals</li> </ul>	1. Public Task	<ol style="list-style-type: none"> <li>The Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments of 2010/2011/2013</li> <li>The Education (Information about pupils) (England) Regulations 2013</li> </ol>	<ol style="list-style-type: none"> <li>Department for Education</li> <li>Staff on 'need to know' basis</li> </ol>	1. School census & funding allocation	Pupil file: DOB +25 years
<b>Medical information:</b> <ul style="list-style-type: none"> <li>Current medical conditions</li> <li>Disability</li> <li>Educational Health Care Plan</li> </ul>	1. Public Task	<ol style="list-style-type: none"> <li>The Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments of 2010/2011/2013</li> <li>Section 100 Children and Families Act 2014 and DfE Supporting pupils at school with medical conditions (2014)</li> <li>Equality Act</li> </ol>	<ol style="list-style-type: none"> <li>Department for Education</li> <li>LA and other external agencies</li> <li>Staff on 'need to know' basis</li> </ol>	<ol style="list-style-type: none"> <li>School Census</li> <li>Support children with specific medical needs and disabilities and meet obligations under the Equality Act (2010)</li> </ol>	Pupil file: DOB +25 years

		(2010)			
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PERSONAL DATA	LAWFUL BASIS (ARTICLE 6)	LEGISLATION	WHO WE SHARE IT WITH	WHY WE SHARE IT	RETENTION PERIOD
<b>Family circumstances:</b> <ul style="list-style-type: none"> <li>• Service child</li> <li>• Traveller</li> <li>• Residency status Refugee/asylum seeker</li> <li>• Currently or ever Looked After Child</li> </ul>	1. Public Task	1. The Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments of 2010/2011/2013  1. The Education (Information about pupils) (England) Regulations 2005/2013	1. Department for Education 2. Staff on 'need to know' basis	1. School Census 2. To support children's education and development in school	Pupil file: DOB +25 years
<b>Attendance records:</b> <ul style="list-style-type: none"> <li>• Attendance registers</li> <li>• Exclusions</li> <li>• Absences: authorised and unauthorised including correspondence</li> </ul>	1. Public Task	1. The Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments of 2010/2011/2013  2. School attendance: Departmental advice for maintained schools, academies, independent schools and local authorities (2014)	1. Department for Education 2. Educational Welfare Services	1. School Census	School registers for 3 years after date on which entry was made. Correspondence re absences: Current academic year +2 Exclusions: pupil files
<b>Educational data and information:</b> <ul style="list-style-type: none"> <li>• School Reports</li> <li>• Test/exam results</li> <li>• Attainment Levels</li> <li>• Special Education Needs and related</li> </ul>	1. Public Task 2.	1. The Education (Information about pupils) (England) Regulations 2013  2. The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order  3. SEN Children and	3. Department for Education 4. School staff on 'need to know basis'	2. School Census 3. To support children's education and development in school	Pupil file: DOB +25 years

<p>correspondence</p> <ul style="list-style-type: none"> <li>• Learning support provision</li> <li>• Educational Health Care Plan</li> </ul>		<p>Families Act 2014</p> <p>4. Education Acts 1966 &amp; 2006</p>			
<p><b>Safeguarding information:</b></p> <ul style="list-style-type: none"> <li>• Child Protection Concerns</li> <li>• Child Protection plan</li> <li>• Parental responsibility</li> </ul>	<p>1. Public Task</p>	<ul style="list-style-type: none"> <li>• Section 175 of the Education Act</li> <li>• Keeping Children Safe in Education (2016)</li> <li>• Working together to safeguard children (March 2015)</li> </ul>	<p>1. LA and external support agencies</p> <p>2. Staff on 'need to know' basis</p>	<p>1. Fulfilment of statutory safeguarding duties</p>	<p>Pupil file: DOB +25 years</p>

PERSONAL DATA COLLECTED BY SCHOOLS UNDER OTHER LAWFUL BASES					
PERSONAL DATA	LAWFUL BASIS (ARTICLE 6)	LEGISLATION	WHO WE SHARE IT WITH	WHY WE SHARE IT	RETENTION PERIOD
<b>Medical information:</b> <ul style="list-style-type: none"> <li>• Doctor’s contact details</li> <li>• Medical history</li> <li>• Relevant family medical history</li> </ul>	<ol style="list-style-type: none"> <li>1. Legitimate Interest</li> <li>2. Vital Interest</li> </ol>	Not applicable	<ol style="list-style-type: none"> <li>1. Staff on a need to know basis</li> <li>2. Relevant medical staff (Doctors, ambulance personnel, hospital staff)</li> </ol>	<ol style="list-style-type: none"> <li>1. To ensure child receives the right support at school</li> <li>2. In the event of an emergency where staff are required to pass information on to medical staff (loco parentis)</li> </ol>	Pupil file: DOB +25 years
<b>Educational &amp; Social Developmental information (Pre-School):</b> <ul style="list-style-type: none"> <li>• Physical &amp; developmental history e.g. speech, hearing, walking sight etc</li> <li>• Pre-school contact with any external support agencies</li> <li>• Social or emotional problems</li> <li>• Carer for other family members</li> </ul>	<ol style="list-style-type: none"> <li>1. Legitimate Interest</li> </ol>	Not applicable	<ol style="list-style-type: none"> <li>1. External agencies</li> <li>2. Staff on ‘need to know’ basis</li> </ol>	<ol style="list-style-type: none"> <li>1. To support the transition of children into primary school from a pre-school setting.</li> </ol>	Pupil file: DOB +25 years

<ul style="list-style-type: none"> <li>Details of pre-school placement</li> <li>Details of pre-school SEN status</li> </ul>					
<b>Educational &amp; Social Developmental information at current setting:</b> <ul style="list-style-type: none"> <li>Contact with external agencies</li> <li>Behaviour support</li> <li>Records of major breaches of school policy</li> </ul>	1. Legitimate Interest	Not applicable	<ol style="list-style-type: none"> <li>External agencies</li> <li>Staff on 'need to know' basis</li> </ol>	1. To provide appropriate ongoing support for a child educationally, socially and emotionally.	Pupil file: DOB +25 years
<b>Photographs and videos of pupils</b>	'Consent'	Not applicable	<ol style="list-style-type: none"> <li>Current parents</li> <li>Prospective parents</li> <li>Public via website</li> <li>Press</li> </ol>	<ol style="list-style-type: none"> <li>Used for school displays</li> <li>Used for school publicity material</li> <li>Used for educational purposes</li> <li>For individual passes</li> </ol>	DOB +20 years

SPECIAL CATEGORY DATA COLLECTED BY SCHOOLS					
SPECIAL CATEGORY DATA	LAWFUL BASIS (ARTICLE 9)	LEGISLATION	WHO SHARED WITH	WHY	RETENTION PERIOD
<b>Personal information:</b> <ul style="list-style-type: none"> <li>Ethnic origin</li> </ul>	9(2) (b) – for the purpose of carrying out the school's legal	The Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments of 2010/2011/2013 Equality Act (2010)	Department for Education	School Census	Pupil file: DOB +25 years

	obligations				
<p><b>Medical history and current information:</b></p> <ul style="list-style-type: none"> <li>• Current medical conditions</li> <li>• Disability</li> <li>• Doctor’s contact details</li> <li>• Medical history</li> <li>• Relevant family medical history</li> </ul>	<p><b>9(2) (a) (b) (c) and (d) –</b> to protect the vital interests of a child and to support the school’s legitimate activities to provide appropriate support to individual children</p>	<p>Section 100 Children and Families Act 2014 Supporting pupils at school with medical conditions Equality Act (2010)</p>	<p>Staff and other external agencies on ‘need to know’ basis</p>	<p>To provide the right level of support to a child within an educational setting and to provided relevant information in the case of a medical emergency (loco parentis)</p>	<p>Pupil file: DOB +25 years</p>
<p><b>Educational &amp; Social Developmental information:</b></p> <ul style="list-style-type: none"> <li>• Physical &amp; developmental history e.g. speech, hearing, walking sight etc.</li> <li>• Past and on-going social and/or emotional problems</li> </ul>	<p><b>9(2) (d) –</b> to support the schools legitimate activities.</p>		<p>Staff on ‘need to know’ basis</p>		<p>Pupil file: DOB +25 years</p>

**Pupil Files:** Each pupil has an individual pupil file which is created when they are admitted to school. This file is transferred with them as they progress through the Education system and is then retained by their final schools for 25 years from their date of birth, after which it is securely destroyed.