

~ Privacy Notice ~

Data Protection Act 1998: How we use your information

How we use pupil information

Berlesduna Academy Trust (BAT) is a Data Controller utilising data under the Data Protection Act. This Academy collates information pertaining to students and staff and may receive information regarding students and staff from previous schools, the Department for Education (DfE), local authorities and the Learning Records Service. Information we hold and may share within our Academy are:

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

- Person's Name, Unique pupil number (ULN) and person's address.
- Characteristics: Ethnicity, language, nationality, country of birth and free school meal eligibility.
- Attendance information: sessions attended, number of absences and absence reasons.

Berlesduna Academy Trust may also collect/hold and/or share assessment information, relevant medical information, special educational needs information and if necessary exclusions/behavioural information.

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

The lawful basis on which we use this information

At Berlesduna Academy Trust, we collect and use pupil information for general purposes including Article 6, and Article 9 where data processed is special category from the GDPR – from 25th May 2018. Information is collected for the following reasons:

- Departmental Censuses
- Education Act 1996 – this information can be found in the census guide document on the following website <http://www.gov.uk/education/data-collection-and-censuses-for-schools>

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 pupil data for the length of the pupil's school life with our school, e.g. if a child starts within our Reception class and continues to the end of Year 6, before continuing on to Senior School, we will retain the child's data for 7 years after they have left in year 6. If the pupil is transferred to an alternative school, we are also required to keep those records on hand for a period of 7 years from the date of leaving school.

Who we share pupil information with

We routinely share pupil information with:

- Schools that the pupil attend after leaving us
- Our local authority
- The Department for Education (DfE)
- School nurse
- NHS

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 pupil data with the Department of 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

Data collection requirements

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

The National Pupil Database (NPD)

The NPD is owned and managed by 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.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school censuses and early years' censuses. Some of this information is then stored by the NPD. The law that allows this is the Education (Information about Individual Pupils) (England) Regulation 2013.

To find out more about the NPD, go to

<http://www.gov.uk/government/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 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 data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<http://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For more information about which organisations the department has provided pupil information, (and for which project) please visit the following website:

<http://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 Claire Eustace on claireeustace@berlesduna.co.uk who is the Data Protection Officer for Berlesduna Academy Trust.

Actioning a subject access request

Requests for information must be made in writing; which includes email, and be addressed to Mrs. C Eustace. If the initial request does not clearly identify the information required, then further enquiries will be made.

The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- Passport
- Driving licence
- Utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

This list is not exhaustive.

Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

The school may make a charge for the provision of information, dependent upon the following:

- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.

If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.

The response time for subject access requests, once officially received, is 40 days (**not working or school days but calendar days, irrespective of school holiday periods**). However, the 40 days will not commence until after receipt of fees or clarification of information sought.

The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore, all information will be reviewed prior to disclosure.**

Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school.

- Before disclosing third party information consent should normally be obtained.
- There is still a need to adhere to the 40-day statutory timescale.
- Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
- If there are concerns over the disclosure of information, then additional advice should be sought.
- Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
- Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used, then registered/recorded mail must be used.

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 concerns about the way we are collecting or using your personal data, we request that you raise your concerns 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 Claire Eustace, Assistant to the CEO and Data Protection Officer for Berlesduna Academy Trust on telephone 01268 464759, in writing to Berlesduna Academy Trust, School House, Church Road, Basildon SS14 2EX, or via e-mail claireeustace@berlesduna.co.uk