



## Data Privacy Notice

**February 2023**

If you are reading a printed version of this document you should check the Hemsby Primary School website to ensure that you have the most up-to-date version.

If you would like to discuss anything in this privacy notice, please contact:

Data Protection Officer: Stuart Lee

Telephone: 0800 0862018

Email: [dpo@dataprotection.education](mailto:dpo@dataprotection.education)

If you would like a copy of any documentation please contact the school office:

[office@hemsby.norfolk.sch.uk](mailto:office@hemsby.norfolk.sch.uk)

## Version Control

Version	Author	Date	Approved by	Effective from
1.0 template	DPE - JE	1/5/2018		
1.3 update	DPE – JE QA - TK	24/5/2018 1/6/2018		
1.5 Update	JE	2/10/2020		
3.0	JE	12-10-22		

## Content

Purpose of this document

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

**Why we collect and use this information**

Our lawful basis for using this data

**Our basis for using special category data**

**If you are processing special category data you need to identify both a lawful basis for general processing and an additional condition for processing this type of data.**

Collecting and storing pupil information

Whom we share pupil information with

Why we share pupil information

Data collection requirements:

Youth support services

**Department for Education (DfE)**

**Data collection requirements**

The National Pupil Database (NPD)

**Sharing by the Department for Education (DfE)**

**How to find out what personal information the Department for Education (DfE) holds about you**

Your rights

Concerns about how your personal data is handled

**Appendix A: List of Processing**

## Purpose of this document

You have a legal right to be informed about how Hemsby Primary School uses any personal information that we hold about you. To comply with this we provide a privacy notice (this document) to you where we are processing your personal data.

**Hemsby Primary School** is the 'data controller' for the purposes of data protection law and this notice describes how we collect, store and use personal data about pupils at our [school/organisation] like you.. As a 'data controller' we are responsible for deciding what data is collected and how it is processed.

Under the Data Protection Act 2018 and the GDPR we must abide by the principle of transparency and the right of data subjects to be informed how their data is processed.

This document provides such information. It will be updated from time to time and updates communicated to the relevant data subjects.

It is your duty to inform us of changes.

### **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, attainment and education records (such as key stage assessments, examinations, courses undertaken and any relevant results);
- Special Educational Needs information (including the needs and ranking);
- Behavioural information (such as, achievements, exclusions, internal exclusions and detentions);
- Health and medical information (such as doctors information, child health, dental health, allergies, medication and dietary requirements);
- Safeguarding and Child Protection reports, disclosures and court orders;
- Photographs and video clips.

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

We use the data listed above to

- support pupil learning;
- monitor and report on pupil attainment progress;
- provide appropriate pastoral care;
- assess the quality of our services;
- comply with the law regarding data sharing;
- keep children safe (food allergies, or emergency contact details); and
- meet the statutory duties placed upon us for the Department for Education (DfE) data collections.

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

We will only collect and use your information when the law allows us to. We need to establish a lawful basis to do this. Our lawful basis for processing your personal information can be seen below:

- We collect and use pupil information under a task performed in the public interest where it relates to a child's educational progression;
- Some photographs and videos are used only after gaining explicit consent;
- Where medical data is being processed, this is processed under a legal obligation (Children and Families Act 2014 which includes a duty on schools to support children with medical conditions);
- Safeguarding data is processed under the legal obligation of The Education Act 2002. Sections 21 and 175, which detail how governing bodies of schools must promote the wellbeing of pupils and take a view to the safeguarding of children at the school;
- We collect and process pupil information to perform our official function (public task);and
- Where it is carried out as a task in the public interest such as equal opportunities monitoring, for child protection purposes or where otherwise authorised by law, such as Departmental Censuses as required in the Education Act 1996.

Where you have provided us with consent to use your personal information, you may take back this consent at any time. We will make this clear when requesting your consent and explain how you withdraw your consent if you want to.

## **Collecting and storing pupil information**

Whilst most of the 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 have to give us this information or if you have a choice in this.

We collect pupil information in multiple ways:

- Transfer of electronic and physical data from another setting (such as a previous school);
- Information given to us by the pupils in the school (such as in work or behaviour reports);
- Information given to us by a parent or carer (such as information required when a child starts school); and
- Information provided to us from external agencies and organisations (such as the Local Authority).

Where we collect and hold pupil information, we endeavour to ensure all appropriate technical and organisational measures are in place to keep the data secure. Data will be kept for the duration as documented in our Retention Schedule, which can be requested by contacting the school office.

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

We routinely share pupil information with

- schools that the pupils attend after leaving us;
- our local authority;
- examinations bodies;
- admissions authorities;
- The Department for Education (DfE);

- suppliers that we have contracted with to provide educational services and those related to the operations of the school (see Appendix A);
- examination boards;
- the police, when investigating or preventing crime;
- courts and tribunals, when ordered to do so under the law;
- the pupil's family and authorised representatives;
- Health and welfare organisations;
- Statutory research bodies;
- regulators, such as Ofsted or the Information Commissioner's Office, when required to do so; and
- Auditors and other professional bodies.

### **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.

Where we share with third-party services, this will be in line with data protection law and specified in the agreements with those third-parties.

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.

### **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>.

### **Department for Education (DfE)**

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 those data collections, under:

[Setting to insert relevant legislation for their sharing of pupil information with the Department for Education (DfE). See relevant legislation for each specific data collection you complete]

### **Examples for school census:**

[**For use by maintained schools only:**] section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

**[For use by academies and free schools only:]** regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

**[For use by pupil referral units only:]** regulation 4 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by the Department for Education (DfE) under a combination of software and hardware controls, which meet the current [government security policy framework](#).

For more information, please see the 'How the Government uses your data' section.

## **Data collection requirements**

To find out more about the data collection requirements placed on us by the Department for Education (DfE) (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 is held in the National Pupil Database (NPD).

The NPD is owned and managed by the Department for Education (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 for Education (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-pupil-database-user-guide-and-supporting-information>

## **Sharing by the Department for Education (DfE)**

The law allows the Department for Education (DfE) to share pupils' 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 Department for Education's (DfE) 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 the Department for Education (DfE) to request access to individual-level information relevant to detecting that crime.

For information about which organisations the Department for Education (DfE) 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/dfe-external-data-shares>

## **How to find out what personal information the Department for Education (DfE) holds about you**

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department for Education (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 Department for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within the Department for Education's (DfE) personal information charter, which is published at the address below:

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

To contact the Department for Education (DfE): <https://www.gov.uk/contact-dfe>

## **Public Health Collections**

Data collected for the purposes of public health (including visitor contact data for COVID-19) will be kept as long as required. Contact data for visitors will be kept for 21 days after the most recent visit, with information on visitors kept as per standard retention requirements. Public Health data may be shared with third-parties as required, including, but not limited to

- National Health Service (including NHS Test and Trace)
- Public Health England
- Other local health authorities

Data collected and processed for public health purposes is done so under GDPR [Article 9\(2\)\(i\)](#) which states: (in part) "processing is necessary for reasons of [public interest](#) in the area of public health, such as protecting against serious cross-border threats to health..." and [Recital 54](#) which includes: "The processing of special categories of personal data may be necessary for reasons of public interest in the areas of public health without consent of the data subject.

## **Your rights**

You have rights associated with how your data is collected and processed. Not every right is absolute, but under certain circumstances, you can invoke the following rights:

- Right of access
- Right of erasure
- Right of rectification
- Right to object to processing
- Right to be informed
- Right to data portability
- Right not to be subject to decisions based on automated decision making
- Right to restrict processing
- Right to seek compensation for damages caused by a breach of the Data Protection regulations.

The Data Protection Officer (DPO) is in a position to ensure your rights are supported. To contact the DPO use the contact details on the front of this notice.

### **Concerns about how your personal data is handled**

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance using the contact information on the first page of this document.

If you are dissatisfied, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>



## Appendix A: List of Processing

For further information regarding any of these processes, please contact the school or the data protection officer using the contact details at the top of this privacy notice.

Description of process	Data Categories	Location of Data	How long it's kept	Who is the information is shared with	Lawful basis for processing
<i>e.g Pre-admissions</i>	<i>Contact details, Educational records, Identifier, Pastoral, Date of Birth, Gender, Religion</i>	<i>Cloud Storage, Email, Local computer, Document, Local network</i>	<i>1 Year(s) From when data is collected</i>	<i>Org xxx, local authority</i>	<i>task performed in the public interest</i>