

# THE CHARTER SCHOOLS

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EDUCATIONAL TRUST

## Privacy notice for pupils and their families

Functional area	Data Protection
Scope	Trust-wide
Owner	DPO – Shalene Varcoe
Version	V3
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Next review due	March 2026

## **Privacy notice – how the Trust and its schools use pupil information**

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice advises pupils and their parents, carers or legal guardians of the Trust's data protection responsibilities on the collection and processing of their child's personal information.

The Charter Schools Educational Trust (the 'Trust') are the 'data controller' for the purposes of data protection law.

Our Data Protection Officer (DPO) is Shalene Varcoe [svarcoe@tcset.org.uk](mailto:svarcoe@tcset.org.uk)

### **What categories of information are processed?**

The categories of personal information that we process include the following:

- Pupil identification details and contacts including: unique pupil number, home address and parent (read also carer or legal guardian) telephone & email contact details, contact preferences, identification documents
- Results of internal assessments and externally set tests and examinations
- Pupil academic and curricular records
- Characteristics, such as ethnic background, language, religion and nationality
- Eligibility for free school meals, pupil premium, or other additional support
- Special educational needs including diagnoses, professional reports, diagnostic tests interventions and support
- Information on pupil behaviour including suspensions and exclusions and any relevant alternative provision put in place
- Details of any medical conditions, including doctors' information, general health, dental health, allergies, medication and dietary requirements
- Attendance information including sessions attended, number of absences, reasons for absences and any previous schools you have attended
- Safeguarding information such as court orders and professional involvement
- Details of any support received, including care packages, plans and support providers
- Photographs and videos including pupils work and performances and visitor managements systems.
- Biometric information for catering systems
- CCTV images captured in school.

## **1. Why do we collect and use your information?**

We will only collect your information when we have a good reason to do so in line with the law – this is known as having a lawful basis to use data. Here are the reasons we collect your information:

- To support pupil learning
- To monitor and report on pupil attainment and progress
- To provide appropriate pastoral care
- To assess the quality of our services
- To keep pupils safe
- To meet legal duties placed on us by the government

Under the UK General Data Protection Regulation (UK GDPR), we only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where:

### **I. It is necessary for us to perform a task which is in the public interest or to exercise our official duties as a multi academy trust and schools.**

This broad legal basis is applicable to almost all the processing we do involving personal data.

### **II. It is necessary for compliance with a legal obligation**

Statutory reporting requirements to the Department for Education (DFE) are included within this section. As is disclosing information to third parties such as the courts or the police where we are legally obliged to do so.

### **III. The data subject has given their consent**

Consent is not required for most of the processing we do, however, there are occasions when we ask for consent. For example, if we want to publish photographs or videos of pupils; collect pupil fingerprints to provide them with access to our cashless catering systems; share data with other organisations or individuals where we are not legally required to share that data.

Where we are processing your data with your consent, you have the right to withdraw that consent. If you change your mind, or if you are unhappy with our use of your personal data, please let us know by contacting the respective school office.

### **IV. We need to protect the individual's vital interests (or someone else's vital interests). This may cover an emergency situation.**

This is applicable where a person's life could be at risk and we need to share or make available information to help them. This could involve sharing serious allergy information with staff, paramedics or other medical professionals, or other information requested by the police or social services to assist them in their enquiries to protect that person.

## **V. The processing is necessary for our legitimate interests as a group of schools or the legitimate interests of a third party.**

This is applicable where the processing is not required by law but is of clear benefit to the school or the data subject; there is limited privacy impact on individuals and the individual reasonably expects us to use their data in this way. This legal basis is not relied upon where the school is processing the data to perform its official tasks.

## **2. Special Category Data**

When we process 'special category' data, we must have another legal basis as well. Special category data is personal data which reveals a person's racial or ethnic origin, political opinion, religious or philosophical beliefs, trade union membership, genetic data, biometric data (such as fingerprints), health, sex life or sexual orientation.

The main legal bases we rely on when we process this type of data is as follows:

**The data subject has given explicit consent:** This is usually applicable where we ask for health, dietary information or biometric data (such as fingerprints).

**The processing is necessary for performing any right or obligation which is imposed on the school in relation to employment, social security and social protection law (e.g. safeguarding individuals at risk; protection against unlawful acts; prevention against fraud):** This is usually applicable where we are performing our safeguarding duties to protect pupils.

**It is necessary to protect the vital interests of any person where the data subject is physically or legally incapable of giving consent:** This could be relied upon in situations where someone has become seriously ill on our premises and we are asked by medical practitioners (such as paramedics), to share information we know about that person's health or allergies.

**The processing is necessary for the establishment, exercise or defence of legal claims:** This allows us to share information with our legal advisers and insurers.

**The processing is necessary in the substantial public interest:** This may be relied upon in circumstances where our processing is necessary to safeguard children or others at risk or where we respond to requests from the Police or law enforcement bodies, to assist in an investigation to prevent or detect an unlawful act.

## **3. How do we collect your information?**

We obtain personal data in a variety of ways. Some of the information comes from the admissions forms and acceptance forms which you supply to us. This can contain information about pupils and their families and the same principles contained in this notice apply regarding your own personal data.

We also receive information about pupils from other schools and agencies, such as healthcare professionals. Data is also obtained from the individual pupil, their teachers and other pupils.

The main ways in which we collect your personal information is using the following methods:

- Registration forms both online and hard copy
- Common Transfer File (CTF) from previous schools
- Child protection plans
- Education Health Care Plans

This list is not exhaustive.

Pupil data is essential for the school's operational use. Whilst the majority of information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with data protection legislation, we will inform you at the point of collection whether you are required to provide certain information to us or if you have a choice.

#### **4. How do we store your information?**

We hold your personal information securely for the set amount of time shown in the Trust's **Records Management Policy**, which can be made available on request by emailing the Trust DPO on [svarcoe@tcset.org.uk](mailto:svarcoe@tcset.org.uk)

Personal data is saved in secure locations both online and offline.

Offline – Paper documentation containing personal data is kept in securely locked cabinets in offices which are only accessible to relevant authorised staff.

Online - Personal data is only saved in secure and password protected authorised servers or cloud based systems or where required on encrypted and password protected mobile devices. Personal data is only accessible to relevant authorised staff.

#### **5. Who do we share your information with?**

We routinely share your information with:

- Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions.
- The Department for Education - We share pupils' data with the DFE on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.
- The pupil's family and any authorised representatives
- Educators and examining bodies
- Our regulator e.g. Ofsted

- Suppliers and service providers – to enable them to provide the service we have contracted them for. E.g. providers of our school prospectus (if consent has been given to share your child’s photograph)
- Financial organisations – for purposes of post 16 bursaries or Free School Meals
- Our auditors
- Media or local news organisations – we may share photos of pupils and/or their results and achievements if you have given consent to this.
- Organisations offering pupil work experience placements
- Police forces, courts, tribunals
- Third party software providers supporting the education and safeguarding of our pupils including our MIS and safeguarding software providers.

### **Youth support services**

Once our pupils reach the age of 13, we also pass pupil information to our LA and/or provider of youth support services because they have responsibilities in relation to the education or training of 13- to 19-year-olds under section 507B of the Education Act 1996.

Sharing this information allows them to provide the following services:

- Youth support services
- Careers advisers
- Post-16 education and training providers

The information we share is limited to the pupil’s name, address and date of birth; however, where a parent or guardian has provided their consent, other relevant information will be shared – this right to consent is transferred to pupils once they reach 16 years old.

### **Transferring data internationally**

Where we transfer personal data to a country or territory outside the UK, we will do so in accordance with data protection law. We do not share information about you with anyone without your consent, unless the law and our policies allow us to do so.

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

The DfE collects personal information from us and our LA through various collections the school is required to undertake legally. We are required to share information about pupils with the DfE either directly or via our LA for the purpose of those data collections, under Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All information we share with the DfE is transferred securely and held by the DfE under a combination of software and hardware controls which meet the current government security policy framework,,

which can be found by following this link: <https://www.gov.uk/government/publications/security-policy-framework>

### **How does the government use your data?**

The pupil data that we lawfully share with the DfE through data collections:

- Underpins school funding, which is calculated based upon numbers of pupils and their characteristics in each school.
- Informs 'short-term' education policy monitoring and school accountability and intervention.
- Supports 'longer-term' research and monitoring of educational policy, e.g. how certain subject choices go on to affect education or earnings beyond school.

To find out more about the data collection requirements placed on us by the DfE, e.g. via the school census, follow this link: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

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

Much of the data about pupils in England goes on to be held in the NPD.

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

Information on the NPD is held in an electronic format for statistical purposes and it is securely collected from a range of sources, including schools, LAs and awarding bodies.

You can find out more about the NPD by following this link: <https://www.gov.uk/guidance/how-to-access-department-for-education-dfe-data-extracts>.

### **Sharing by the DfE**

The DfE is legally allowed to share pupils' personal information with certain third parties, including the following:

- Schools
- LAs
- Researchers
- Organisations connected with promoting the education or wellbeing of children in England
- Other government departments and agencies
- Organisations fighting or identifying crime

Organisations fighting or identifying crime, such as the Home Office and the police, may use their legal powers to contact the DfE to request access to individual level information relating to a crime.

For more information about how the DfE collects and shares pupil information, you can look at the information in the following two links:

- <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>
- <https://www.gov.uk/government/publications/dfe-external-data-shares>

## **How to find out what personal information the DfE holds about you**

Under the Data Protection Act 2018, you are entitled to ask the DfE what personal information it holds about you. You have the right to ask the DfE:

- If it processes your personal data.
- For a description of the data it holds about you.
- The reasons it is holding your data and any recipient it may be disclosed to.
- For a copy of your personal data and any details of its source.

To exercise these rights, you should make a subject access request. Information on how to do this can be found by following this link: <https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

You can also contact the DfE directly using its online contact form by following this link: <https://www.gov.uk/contact-dfe>.

## **7. What are your rights?**

Individuals have a right to make a 'subject access request' to gain access to personal information that the Trust or any of its schools holds about them.

Parents/carers can make a request with respect to their own child's data where the child is not considered competent enough to make decisions over their own data, or where the child has provided written consent if they are aged over 13.

Parents/carers also have the right to make a subject access request with respect to any personal data a school holds about themselves.

If you make a subject access request, and if we do hold information about you or your child, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you or your child
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form.

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

Parents/carers also have a right to access their child's educational record up to the age of 16.

If you would like to make a request, please contact our Data Protection Officer (DPO). Please note there may be an administration fee to cover the cost of staffing for the request.

### **Other rights**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to receive direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our Data Protection Officer (DPO). If you want to request access to the personal information that we hold about you, please contact the Trust DPO at [svarcoe@tcset.org.uk](mailto:svarcoe@tcset.org.uk)

If you are concerned about the way we are collecting or using your information, please raise your concern with the Trust DPO in the first instance. You can also contact the Information Commissioner's Office (ICO) at <https://ico.org.uk/concerns>. The ICO is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

### **8. How to withdraw consent and lodge complaints**

Where our schools process your personal data with your consent, you have the right to withdraw your consent.

If you change your mind or are unhappy with how your school uses your personal data, you should let us know by contacting the DPO, Shalene Varcoe on [svarcoe@tcset.org.uk](mailto:svarcoe@tcset.org.uk)

### **9. Updating this privacy notice**

We may need to update this privacy notice periodically if we change how we collect and process data. The Trust and its schools will inform you when this privacy notice has changed; however, we also recommend that you revisit this privacy notice periodically.

This privacy notice was last updated on **31 March 2023**.