



## **General Data Protection Regulation Data Protection privacy notice for pupils**

### **Who processes your information?**

The Gallery Trust is the data controller of the personal information you provide to us. This means the Trust determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is processed. This allows us to run effectively as a school. The Data Protection Officer of The Gallery Trust acts as a representative with regard to its data controller responsibilities; the DPO can be contacted on [dpo@thegallerytrust.co.uk](mailto:dpo@thegallerytrust.co.uk) or by telephone: 01865 747606.

In some cases, your data will be outsourced to a third party processor; however, this will only be done with your consent, unless the law requires us to share your data. Where we outsource data to a third-party processor, the same data protection standards that we uphold are imposed on the processor.

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

We hold the legal right to collect and use personal data relating to pupils and their families, and we may also receive information regarding pupils from their previous school, Local Authority, agencies and services, and the Department for Education. We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK law, including those in relation to the following:

- Article 6 and Article 9 of the GDPR
- Education Act 1996
- Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013

In accordance with the above, the personal data of pupils and their families is collected and used for the following reasons:

- To decide who to admit to the school
- To provide an effective transition to the school
- To support pupil learning and progress
- To monitor and report on pupil progress
- To provide appropriate pastoral care and to support pupil wellbeing
- To assess the quality of our services
- To comply with the law regarding data sharing
- To safeguard pupils and their welfare
- For the safe and orderly running of the school
- To communicate with parents and carers

This information will include their contact details, assessment/accreditation results, attendance information, any exclusion information, where pupils go after they leave us and personal characteristics such as their ethnic group, special educational needs and relevant medical information.

The lawful basis for collection of data is defined by the General Data Protection Regulation (GDPR) (introduced on 25 May 2018) as:

#### Article 6

1. Processing shall be lawful only if and to the extent that at least one of the following applies:
  - (c) Processing is necessary for compliance with a legal obligation to which the controller is subject;

#### Article 9

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.
2. Paragraph 1 shall not apply if one of the following applies:
  - (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The Education (Information about Individual Pupils) (England) Regulations 2013 - Regulation 5 'Provision of information by non-maintained special schools and Academies to the Secretary of State' states 'Within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special school or an Academy (shall provide to the Secretary of State such of the information referred to in Schedule 1 and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.'

The Education Act 1996 - Section 537A – states that we provide individual pupil information as the relevant body such as the Department for Education.

Children's Act 1989 – Section 83 – places a duty on the Secretary of State or others to conduct research.

### **Which data is collected?**

The categories of pupil information that we collect, hold and share includes the following:

- Personal information – e.g. names, pupil numbers and addresses
- Characteristics – e.g. ethnicity, language, nationality, country of birth and free school meal eligibility
- Attendance information – e.g. number of absences and absence reasons
- Assessment and accreditation information
- Medical information
- Special Educational Needs and Disability
- Exclusions and Behavioural information
- Photographs to aid our records management
- Education and school history
- Post 16 learning information

- Sibling information
- Information regarding pastoral care, safeguarding and pupil wellbeing
- Information about criminal proceedings

Whilst the majority of the personal data you provide to the school is mandatory, some is provided on a voluntary basis. Where consent is required, we will provide you with specific and explicit information with regards to the reasons the data is being collected and how the data will be used.

In some circumstances, we might also process personal data about pupils, some of which might be sensitive personal data, including information about criminal proceedings / convictions, information about sex life and sexual orientation, child protection / safeguarding. This information is not routinely collected about pupils and is only likely to be processed by the school in specific circumstances relating to particular pupils, for example, if a child protection issue arises or if a pupil is involved in a criminal matter. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and / or the Police. Such information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

We collect information about pupils when they join the school and update it during their time on the roll as and when new information is acquired.

### **How long is your data stored for?**

Personal data relating to our pupils is stored in line with The Gallery Trust's GDPR Data Protection Policy and the Compliant Records Management Policy. We hold pupil data for 25 years after the pupil's date of birth. After this time, the records are securely destroyed.

### **Will my information be shared?**

We share pupil data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding, educational monitoring and planning. We are required to share information about pupils with the Local Authority and the Department for Education under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

The National Pupil Database (NPD) is managed by the Department for Education and contains information about pupils in schools in England. 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; 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. The DfE may share information about our pupils from the NDP with third parties who promote the education or wellbeing of children in England by:

- Conducting research or analysis.
- Producing statistics.
- Providing information, advice or guidance.

The DfE has robust processes in place to ensure the confidentiality of any data shared from the NDP is maintained. 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>.

We will not share your personal information with any third parties without your consent, unless the law allows us to do so. The school shares pupils' information with:

- Pupils' destinations upon leaving the school
- Local Authority
- The Department for Education
- The National Health Service
- School governors / trustees
- Examination boards

In some circumstances, we may also share pupil information with other third parties including the following:

- providers of external education management systems
- the Police and law enforcement agencies
- NHS health professionals including school nurse, educational psychologists
- Education Welfare Officers
- Courts, if ordered to do so
- the National College for Teaching and Learning
- Prevent teams in accordance with the Prevent Duty on schools
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances
- legal advisors
- Services and agencies involved in the provision of pupils' education, wellbeing and pastoral care
- insurance providers

Once pupils reach the age of 13, we are required by law to pass on certain information to our LA and the provider of youth support services, who are responsible for the education or training of 13-to-19-year-olds. This enables them to provide youth support services and careers advisers. We may also share specific personal data of pupils who are aged 16 and over with post-16 education and training providers, in order to secure appropriate services for them. The information provided includes addresses and dates of birth of all pupils and their parents, and any information necessary to support the services, e.g. school name, ethnicity or gender.

Parents are able to request that only their child's name, address and date of birth are passed to the LA or name of provider of youth support services, by informing The Gallery Trust's Data Protection Officer via email or letter. Once pupils reach 16 years of age, this right is transferred to them, rather than their parents.

We will also share certain information about students 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 Oxfordshire County Council's website

## **What are your rights?**

Parents and pupils have the following rights in relation to the processing of their personal data.

You have the right to:

- Be informed about how we process your personal data.
- Request access to the personal data that we holds.
- Request that your personal data is amended if it is inaccurate or incomplete.
- Request that your personal data is erased where there is no compelling reason for its continued processing.
- Request that the processing of your data is restricted.
- Object to your personal data being processed.

Where the processing of your data is based on your consent, you have the right to withdraw this consent at any time.

If you have a concern about the way we are using your personal data, please raise your concern in the first instance with the Data Protection Officer: [dpo@thegallerytrust.co.uk](mailto:dpo@thegallerytrust.co.uk) or by telephone: 01865 747606.