

HEMDEAN HOUSE SCHOOL

CAVERSHAM

Data protection Regulations Privacy Notice for Pupils and Parents

Reviewed: February 223

Next Review due: February 2024

Introduction

This notice is to help you understand how and why we collect personal information about our pupils under the Education Act 1996/Data Protection Act 1998 and the UK GDPR, the EU GDPR has been adopted by the UK and is retained in domestic law as the UK GDPR, but the UK has the independence to keep the framework under review.

Hemdean House School is the data controller of the personal information you provide to HHS. This means the school determines the purpose for which, and the manner in which, any personal data relating to students and their families is to be processed.

The categories of pupil information that we process include:

- personal identifiers and contacts (such as name, unique pupil number, passport number, contact details and address)
- characteristics (such as ethnicity, language)
- **Photographs and videos**
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and assessment data)
- medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- assessment and attainment (such as key stage 1 and 2 and phonics results)
- behavioural information (such as exclusions and any relevant alternative provision put in place)

This list is not exhaustive, the current list of categories of information we process can be seen on the Data Mapping Information Document available from the school.

Why we collect and use pupil information

We collect and use pupil information, for the following purposes:

- a) to support pupil learning
- b) to monitor and report on pupil attainment progress
- c) to provide appropriate pastoral care
- d) to assess the quality of our services
- e) to keep children safe (food allergies, or emergency contact details)
- f) to meet the statutory duties placed upon us for DfE data collections
- g) **to include in marketing**
- h) **to enable contact with parents and pupils and former pupils and parents**

This section contains information about the legal basis that we are relying on when handling your information.

Hemdean House School holds the legal right to collect and use personal data relating to pupils and their families, and we may also receive information regarding them from their previous school, Local Authority and or the Department for Education.

We collect and use personal data in order to meet legal requirements and legitimate interests set out in the UK GDPR and UK Law, including those in relation to the following:

1. Article 6 and Article 9 of the UK GDPR
2. Education Act 1996
3. Regulation 5 of the Education (Information about Individual Pupils) (England) Regulations 2013

Legitimate interests

This means that the processing of personal data is necessary for appropriate and genuine interests except where the processing is unfair to you. The school relies on legitimate interests for most of the ways in which it uses your information.

Specifically, Hemdean House School has a legitimate interest in:

- Providing **your children** with an education.
- Safeguarding and promoting student welfare
- Promoting the objects and interests of the school, this includes fundraising and marketing. It also includes making sure that we are able to enforce our rights against you, for example, so that we can contact you if unpaid school charges are due e.g. for educational trips etc.
- Facilitating the efficient operation of the school.
- Ensuring that all relevant legal obligations of the school are complied with.

Legitimate interests of others

In addition, personal information may be processed for the legitimate interests of others. For example, we may use information when investigating a complaint made by a fellow pupil or member of staff or legitimate interest from another school for outstanding debts.

Contract

To enable to school to comply with its contract with parents/guardians

Vital Interest

Processing to endure safety in an emergency situation.

Legal Obligation / Public Interest or Public Task

To carry out legally binding responsibilities

Special Categories of Personal Information

The School must also comply with an additional condition where it processes special categories of personal information. These special categories include: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, and information about sex life or orientation.

Substantial public interest

The School is allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "public interest" in the table above. For example, the School will use information about your child's health to look after her. We may also use other types of special category personal data about your child to provide her with an education, to look after your child and her classmates or when the School is inspected.

Employment and social protection and social security law

There will be times when the School needs to use your daughter's information because we are an employer. Also, the School will use your daughter's information to comply with social protection law (e.g. to look after your child) and social security laws. Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.

Vital interests

In limited circumstances we may use your child's information to protect your child's vital interests or the vital interests of someone else (e.g. if your daughter or they are seriously hurt).

Legal claims

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers. This applies whenever sharing special category data is necessary in relation to legal claims.

Medical purposes

This includes medical treatment and the management of healthcare services.

How we collect pupil information

We collect pupil information via Application Forms, Acceptance forms, information update forms, transfer data from other schools.

We also may collect parental financial information for the purpose of considering bursary applications.

We collect information on attendance and reasons for absence and on activities, assessments and behaviours in school.

We may take photographs or videos of your child or you at school events to use, with parental consent, on advertising material, the school website and on social media. This is to show parents and pupils and others what we do here and to advertise the school. We may continue to use these photographs and videos after your child has left the school.

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

How we store pupil data

We hold pupil data securely for the set amount of time shown in our data retention schedule.

Who we share pupil information with

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our local authority
- the Department for Education (DfE)
- child welfare services
- Brighter Futures for Children
- Independent Schools Association, Independent Schools Inspectorate and Independent Schools Council
- **Skills practice and Assessment organisations**

We sometimes use contractors to handle personal information on our behalf. For example: IT consultants who might access information about your child when checking the security of our IT network and we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the School site.

Why we regularly 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.

Department for Education

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 the purpose of those data collections, under:

Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

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

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

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 Head teacher with a request in writing.

You also have the right to:

- object to the 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
- to seek redress, either through the ICO, or through the courts

Please note that pupils' references written for other schools are strictly confidential and normally will not be disclosed; as legislated by:

Data Protection Act 2018 (c. 12)

Schedule 2 — Exemptions etc from the UK GDPR

Part 4 — Restrictions based on Article 23(1): restrictions of rules in Articles 13 to 15

Section 24 Confidential References

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

How Government uses your data

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

- underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- informs 'short term' education policy monitoring and school accountability and intervention (for example Pupil Progress measures).
- supports 'longer term' research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

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 National Pupil Database (NPD)

Much of the data about pupils in England goes on to be held in the National Pupil Database (NPD).

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.

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

The law allows the Department to share pupils' personal data with certain third parties, including:

- schools
- 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's 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 DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department 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>

To contact the DfE please see: <https://www.gov.uk/contact-dfe>

Contact

If you would like to discuss anything in this privacy notice, in the first instance please contact the Headteacher.

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