



# Privacy Notice

## (How the academy uses personal information)

The Data Protection Act (1998) will be replaced by the General Data Protection Regulation (GDPR), and comes into force on 25<sup>th</sup> May 2018.

### Why does the academy collect and use personal information?

The academy collects and uses personal information (under GDPR Article 6) for compliance with a legal obligation, and uses the information to complete statutory tasks such as School Census, Phonics Screening and Key Stage Tests, Attendance Registers, Pupil Exclusions, Special Educational Needs (SEN) provision and employment contracts. Further information about statutory tasks for schools/academies can be found at <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The academy processes personal information under GDPR Article 6:

- with consent from the parent/carer/staff member to do so (or have consent from the pupil aged 13+);
- in order to fulfil a contract (such as an employment contract);
- in order to fulfil our legal obligations (such as complying with the law and with the academy's safeguarding responsibilities);
- in cases where there is a Child Protection concern, pupil information may be shared/processed in the public interest or in the exercise of official authority (ensuring high standards of education, research or statistical purposes);
- in order to fulfil legitimate interests (such as marketing)

The academy also processes personal information under GDPR Article 9:

- in order to protect the vital interests of the pupil/member of staff (e.g. in life-or-death situations).

Further information about how pupil information is used can be found at: <https://www.privacy-regulation.eu/en/article-6-lawfulness-of-processing-GDPR.htm> and <https://www.privacy-regulation.eu/en/article-9-processing-of-special-categories-of-personal-data-GDPR.htm>.

The academy uses personal information to:

- support pupil learning and set learning targets (through regular teacher observation and assessment).
- monitor and report on pupil progress.
- provide pupils and parents with appropriate pastoral care.
- work with agencies supporting pupil safeguarding.
- assess the quality of our services.
- comply with the law regarding information sharing.
- comply with all statutory data returns to the Department for Education (DfE) and their partner organisations.
- qualify whether a pupil is eligible of funding and to calculate that funding.
- support pupil attendance and to comply with School Attendance Guidance (2016).
- provide data to the Local Authority as required by law, contracts or service level agreements.
- approve walking home permissions (Y5&6).
- support pupil trips (off-site and residential).
- to provide support to pupils with special educational needs, disabilities and/or medical needs.
- inform the next educational setting of relevant pupil performance, safeguarding or special educational needs.



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- assess health and safety within the academy.
- comply with employment law.
- fulfil a contract.
- perform payroll activities (including liaising with DWP and pension providers).
- comply with Health and Safety Regulations (such as risk assessments etc).
- monitor absence/attendance.
- enforce policies/procedures.
- comply with statutory duties (such as Workforce Census, Keeping Children Safe in Education etc).
- protect the vital interests of the staff member (such as in emergency situations).

## **The categories of personal information that the academy collects, holds and shares include (but are not limited to):**

- Personal information (such as name, unique pupil number, contact 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).
- Photographs (for display in the classroom, around the academy and, where consent has been given, shared on the academy's website, newspaper articles and televised news reports).
- Academic Data/Teacher Assessments.
- Behavioural Records including exclusions.
- Information from Early Years providers.
- Medical Information (such as allergies, medication and risk assessment reports).
- SEN/Intervention Information (including data, intervention delivered etc).
- Safeguarding and Child Protection Information.
- Detail of the next education setting.
- Current contract information.
- Expired contract information.
- Qualifications.
- Additional training certificates/registers (where relevant).
- Confidential documents (such as Occupational Health Reports, disciplinary/capability information where a case has been upheld, absence monitoring/action plans).
- Maternity information.

## **Collecting personal information**

Whilst the majority of personal information that is provided to the academy is mandatory, some of it is provided on a voluntary basis. In order to comply with the General Data Protection Regulations, the academy will inform you whether you are required by law to provide certain personal information or if you have a choice in this. Consent for additional/non-mandatory information is explicitly sought from parents and staff. If consent is refused, the academy will abide by these wishes. However, the academy may ask parents, guardians and staff at regular intervals to check if there are any changes.

The academy collects and uses personal information under responsibilities set out within:

- Education Act 2002 Section 33.
- Education Act 1996.
- Children and Families Act 2014 (SEND Reforms).
- Childcare Act 2006.



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- The Early Years and Foundation Stage Order 2007.
- The Education and Skills Act 2008.
- The Apprenticeship, Skills, Children and Learning Act 2009.
- Equality Act 2010.
- Children Act 1989.
- Adoption and Children Act 2002.
- Children and Young Persons Acts 1963 (Regs 1968).
- Education (Governors Annual Reports – England) (Amendment) Regulations 2002 SI 2002 No 1171.
- School Standards and Framework Act 1998 and Academies Act 2010.
- Schools Admissions Code Statutory Guidance for admission authorities, governing bodies, local authorities, school adjudicators and admission appeals panels December 2014.
- Schools Admission Appeals Code February 2012 Statutory guidance for school leaders, governing bodies and local authorities.
- School attendance: Department advice for maintained schools, academies, independent schools and local authorities November 2016.
- DBS Update Service Guide June 2014.
- Keeping Children Safe In Education – Statutory Guidance Sept 2016.
- 'Working Together to Safeguard Children' - A guide to interagency working to safeguard children – March 2015.
- An employer's right to work checks (Home Office May 2015).
- Limitation Act 1980 (section 2).
- Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social security administration Act 1992 Section 8. Limitation Act 1980.
- COSHH Regulations 2002. SI 2002 No 2677 Regulation 11; Records kept under the 1994 and 1999 Regulations to be kept as if the 2002 Regulations had not been made. Regulation 18.
- Control of asbestos at work regulations 2012 SI 1012 No632 Regulation 19.
- The Education (Pupil Information) (England) Regulations 2005 SI 2005 No 1437.
- Education Act 1996. Special Educational Needs and Disability Act 2001 Section 1.
- Outdoor Education Advisers Panel National Guidance Section 3 – Legal Framework and Employer Systems and Section 4 – Good Practice.

### **Storing personal information - pupils**

The academy holds pupil information for the duration of time they are on-roll. The pupil files are then transferred to the pupil's next education setting (either to the next primary school or the pupil's secondary school).

However, specific pupil information is retained if the pupil has been involved with a Child Protection concern, have identified Special Educational Needs, has any accident/ First Aid records or has been on an off-site visit. This is a legal requirement of the academy. In these cases, personal pupil information is held securely for 25 years from the birth date of the pupil.

Child Protection and special educational needs pupil information is stored electronically on a secured server with limited staff access. Paper copies of Child Protection or SEN files are not retained by the academy, but are passed to the pupil's next education setting.

### **Storing personal information - staff**

The academy holds staff personal information in line with the TEFAT Retention Policy



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(TBC). All staff personal information is kept within the Personnel File which is stored in a locked cabinet, and each file is retained for 7 years after employment termination. This is a requirement of employment law.

Some staff personal information is stored electronically on a secure server via ScholarPack, with very limited staff access (HR, SLT, Admin). TEFAT Head Office also has access to staff information that is stored on ScholarPack, which again is role-specific access only. Some staff information is also stored on EPM Portal for payroll purposes. Access to this is limited to HR, Exec Principal, SLT and Finance.

## Who the academy shares personal information with

The academy routinely shares personal information with organisations and staff involved with:

- Schools that the pupil's attend after leaving the academy
- Sandwell Local Authority
- Attendance and Prosecution Service
- Sandwell Admissions and Appeals
- Sandwell Data Intelligence Unit
- The Department for Education (DfE)
- School Nurse
- National Health Service (NHS) and their commissioned health services
- Child and Adolescent Mental Health Service (CAMHS)
- Sandwell Inclusion Support Services
- Other Local Authorities (where the pupil resides outside of Sandwell)
- Social Services (as needed)
- Federated Academy George Betts/Shireland Hall (for internally excluded pupils/transferred pupils)
- The Elliot Foundation Academy Trust (as the Academy sponsor)
- The Police (as needed)
- Trip locations (such as swimming baths etc) to support accessibility and health and safety
- Department of Work and Pensions
- EPM (HR/Payroll provider)
- ScholarPack
- Pension Providers
- HM Revenues and Customs

The academy may also receive personal information from the above organisations regarding the pupil or staff member. The academy will share some pupil personal information with staff to enable staff to fulfil their contractual role, as well as for the safety of every pupil within academy care. Personal information is shared only where necessary and where linked to the role of the staff member.

## How the academy shares pupil personal information

The academy will share information with new education settings either via:

- a meeting where the pupil file is passed directly to the new setting (usually in such cases where the pupil has child protection concerns or has an identified special educational need);
- Post (where a meeting could not be arranged but the next setting requires the pupil file). In these cases the pupil file is sent as a recorded delivery and marked as Private and Confidential for the attention of the Headteacher/Principal.



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In addition to the paper pupil file, the academy will also send an electronic pupil file called a Common Transfer File (CTF). This is sent via a secure access system to the new setting. This server is password protected and has limited access.

Should pupils leave the academy to be 'homeschooled', the pupil's paper file is archived until the child is back in primary education (in which case the pupil's file is passed to their new school), or the child is confirmed as a Year 7 age (therefore the pupil file is shredded). A CTF is sent to the Local Authority informing them of the child being 'homeschooled' for their records. It is a statutory duty of the academy to inform the local authority of any pupil leaving education to be homeschooled.

When sharing information with outside agencies, information may be shared via:

- a meeting (verbal sharing)
- copying records (such as target plans or child protection letters/information)
- scanning and emailing records

In some cases, both may take place in order to share accurate information.

The academy shares news items on social media to celebrate pupil and academy achievements. Consent for sharing of images/videos and names of pupils and staff on social media is sought from parents/staff member in advance. Consent for sharing these images may be withdrawn at any time. Parents and staff are invited to follow the academy Twitter and Facebook accounts but do this through their own choice. These social media accounts are not for marketing purposes, and are solely to communicate upcoming events, news and celebrations. Parents and staff can withdraw from the academy Twitter and Facebook feeds at any time by clicking 'unfollow'.

## How the academy shares staff information

The academy will share personal information either via (but not limited to):

- a secured server which is password protected
- telephone
- ScholarPack
- email
- website
- meeting

## Why the academy shares personal information

The academy does not share information about our pupils or staff with anyone without consent unless the law and academy policies allow.

The academy shares pupils' information with the DfE on a regular basis under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013. This is statutory for all schools/academies. This information sharing underpins school/academy funding and educational attainment policy and monitoring.

The academy shares some staff information with the DfE/Local Authority on a regular basis via Workforce Census. This is statutory for all schools/academies.

## Academy online systems that process pupil information

The academy uses a variety of online systems to support the day-to-day running of the academy, pupil assessment and behaviour strategies. The below systems all hold



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personal pupil information, which has staff role-specific access rights. Each level of staff access is different.

The Management Information System (MIS) used for the day-to-day running of the academy is ScholarPack. This system holds pupil, parent and staff information (see 'Categories of personal information that the academy collects' section above). This system also holds Reading, Writing and Maths assessment data as well as statutory data results. Access to information on this system is role-specific.

The system used for logging Safeguarding and Child Protection Concerns is Safeguard. This system is secured and is password protected. Only members of the Safeguarding Team have access to this information. Further information regarding the academy's Child Protection and Safeguarding policies and procedures can be found [on the academy website](#).

The system used for Early Years and Wider Curriculum teacher assessments is 2Simple. This system holds information regarding academic achievements as well as pupil observations regarding their learning. The information held on this system is also analysed to support Pupil Progress and staff Professional Development across the academy.

The system used to support positive behaviour management across the academy is Class Dojo. This system allows points to be awarded for positive behaviour choices. Further information regarding this system can be found in the academy [Behaviour Policy](#).

The academy also uses online learning sites/apps to further pupil education and support homework provision. These are all trusted sites/apps. They are:

Bug Club - a home reading app that teachers use to set reading homework alongside home readers that are sent home with each child. This app encourages children to read set texts and answer set questions about the text they have read.

Mangahigh - a maths site that promotes application of taught maths skills through games, quizzes and challenges with a particular focus on mental maths strategies.

EducationCity - provides a wide range of educational resources that supports pupil learning. It is used in EYFS only.

The system used to support, record and manage trips (incl. swimming, class curriculum trips and PE tournaments) and week long residential visits is Evolve. This system provides the trip leader with registers, emergency contact information and medical needs.

The system that supports recording of visitors to the academy is Inventry. This system records visitors entering and exiting the academy as well as monitoring staff attendance and providing Fire Registers.

The system used to monitor computer access and website access is Imperro. This system accesses all staff and pupil computers to monitor that all access is appropriate, and works alongside the academy's firewalls. Imperro is active all day, and is checked regularly throughout the day by the Network Manager, and any issues reported to SLT immediately.

The system used to log and track academy assets is Parago. Where a specific piece of equipment (such as an academy laptop) has been loaned to a pupil or member of staff, the name of the person is added onto Parago.

The academy also operates a CCTV system. This system is in operation 24hrs per day



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and runs on a 21 day loop. CCTV is in place to support security of the academy site. The system operated by the academy has no recording facility and the images taken are overwritten after 21 days. The system is monitored by Cougar Monitoring Ltd. If you require any further information regarding the CCTV system in operation, please contact [SHPEnquiries@qbshp.org](mailto:SHPEnquiries@qbshp.org).

### **Information collection requirements:**

To find out more about the information collection requirements placed on the academy 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)**

The NPD is owned and managed by the 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 DfE. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools/academies, local authorities and awarding bodies.

The academy is required by law to provide information about all pupils to the DfE as part of statutory data collections. 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. To find out more about the pupil information the academy shares with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to:

<https://www.gov.uk/government/publications/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 DfE has robust processes in place to ensure the confidentiality of our information is maintained and there are stringent controls in place regarding access and use of the information. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data/information
- the purpose for which it is required
- the level and sensitivity of data/information requested
- the arrangements in place to store and handle the data/information.

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>



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

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

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

### Parent Information

It is a legal requirement for the academy to have up-to-date contact information for the parents/guardians of pupils in its care. Parents/guardians will be asked regularly to check their information and update it with the academy as needed. This information is stored on a secure server and in the pupil's paper file. Once a pupil has left the academy, the pupil file is passed to the new setting (see '[How the academy shares pupil personal information](#)' section above). Parent information within the pupil files and is therefore sent as outlined above.

The academy uses parent contact information as follows:

- Post letters directly to the parent/guardian, complete home visits as outlined within our Attendance, Safeguarding and Induction policies;
- Send text messages directly to the parent/guardian to inform about upcoming dates, dinner/club debt, request parents/guardians contact the school, pass on any local area safeguarding alerts, notify of adverse weather closure days etc;
- contact via email to share school letters, responding to queries etc with your consent
- to share with outside agencies such as Sandwell Local Authority, NHS, Social Services (see '[Who the academy shares personal information with](#)' section above).

The academy may also share parents' personal information (e.g. name, DOB, National Insurance Number) with your consent with the Benefits Team at Sandwell Local Authority regarding Free School Meal applications and to ascertain whether a pupil meets criteria for additional Pupil Premium funding.

### Additional contact information

Any additional contact information (such as contact numbers for extended family members/other person whom a parent wants the academy to contact in an emergency if parents are not available) that has been provided by the parent/guardian to the academy will be used as outlined above (see 'Parent Information' section). The academy will assume that, as the information has been provided by the parent/guardian of the pupil that the third party has given consent to the parent for their information to be shared with the academy. It is parent/guardian's responsibility to gain consent from extended family members/guardians to share this information with the academy. The academy will not contact these extended family members/guardians to check consent.

### Requesting access to your personal information

Under GDPR data protection legislation, staff, parents and pupils (13+yrs) have the right to request access to information about them that the academy holds. These requests are called Subject Access Requests (SARs). To make a request for your/your child's personal information, or be given access to your child's educational record, you can contact the Data Protection Officer named below. Requests must be made in writing. If you cannot make a request in writing, please contact the academy's Data Protection Officer as they will be able to support you with making a request. The academy will not charge for carrying out a Subject Access Request unless the request is 'excessive' or a copy of



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information that has already been given. The fee will represent the admin cost for providing information (e.g. printing, paper usage or time taken). SARs may take up to one month to action.

You also have the right to:

- object to processing of personal information 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 information rectified, blocked, erased or destroyed
- claim compensation for damages caused by a breach of the General Data Protection Regulations.

Once an objection has been received, processing of the information will be stopped until the objection is resolved. If you have a concern about the way the academy is collecting or using your personal information, you should raise your concern with the academy in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

In the event that a SAR has been refused, you will be given clear reasons as to why. If you are unhappy with the request refusal, you raise your concern with the academy in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

### Personal information/data security

The academy has the following safeguards in place to ensure all information is secure:

- Password protected computers
- Clear 'Acceptable Use' policy for staff and pupils, outlining how to keep computer access limited to individuals
- Limited access to information such as pupil and parent information
- Paper files are locked in a secure filing cabinet, with limited staff access
- Secure servers with limited access to information
- Password protected access to ScholarPack (academy Management Information System), with role-specific access implemented
- Business emails for staff, with agreements in place from the online provider (Google) to ensure all is done to prevent any hacking of information
- Sharing of information between staff is kept to a minimum and is anonymised where possible
- Up-to-date security software which is closely monitored by the network manager
- Clear data protection policies in place, which are monitored and reviewed regularly

In addition, there is a clear Data Breach Procedure, which identifies the process to follow upon discovering a data breach, and when to inform individuals if their information has been breached.

### Contact

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

- Data Protection Officer, c/o Shireland Hall Primary Academy via letter or via email ([SHPEnquiries@gbshp.org](mailto:SHPEnquiries@gbshp.org))