

PRIVACY NOTICE PUPILS AND PARENTS/CARERS INFORMATION

Why Do You Need My Information?

St Mary's collects and processes personal data (including special category data) about pupils and parents/carers for a range of purposes linked to our responsibility to educate and develop young people. These purposes include:

- for the purposes of pupil admission (and to confirm the identity of prospective pupils and their parents)
- to provide education services and extra-curricular activities to pupils, monitoring pupil progress and educational needs
- to derive statistics which inform decisions related to the funding of schools and the management of our budget
- to assess performance and to set targets for schools
- to safeguard pupils' welfare and provide appropriate pastoral (and where necessary medical) care
- to give and receive information and references about past, current and prospective pupils, and to provide references to potential employers of past pupils
- to manage internal policy and procedure
- to enable pupils to take part in national or other assessments, and to publish the results of these assessments and other achievements as required
- for the purposes of management planning and forecasting, research and statistical analysis, including those imposed or provided for by law (such as diversity analysis)
- for legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with legal obligations and duties of care
- to enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate (for example Ofsted)
- to monitor (as appropriate) the use of the school's IT and communications systems in accordance with our policies
- to use images of pupils in school publications, on the school website and on our social media pages
- to allow pupils to take part in appropriate school trips, visits and other school organised events
- to provide appropriate pastoral care
- to comply with our responsibilities for the prevention and detection of crime
- where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school

Whilst the majority of information we collect and use is mandatory, some of the information provided by parents or pupils is on a voluntary basis.

We will always inform you whether you are required to provide certain information to us or if you have a choice in this.

What Information Do We Use?

St Mary's collects and uses the following categories of personal data about pupils:

WHAT DO WE COLLECT?	WHAT IS IT?	HOW DO WE COLLECT IT?
Personal Information	Information including: <ul style="list-style-type: none"> • name, pupil number, date of birth, gender and contact information • emergency contact and family lifestyle information including names, relationship, telephone numbers and email addresses 	We collect this information when we admit pupils. The information is then updated annually via the data collection sheets or throughout the year using a change of contact form
Characteristics	Information including: <ul style="list-style-type: none"> • gender • age • nationality • ethnic group • religion • free school meal eligibility 	We collect this information when we admit pupils. The information is updated annually or when there are changes to circumstances
Medical information	Information including: <ul style="list-style-type: none"> • previous sickness and attendance information • specific medical information including allergies and conditions • conditions which require medication 	In the majority of cases, parents/carers provide this information voluntarily so that we are aware of how we can offer any assistance. We collect this information when we admit pupils. We update this information annually or when there are changes to circumstances

Educational Details	<p>We collect and use information relating to teaching/learning and behaviour of pupils.</p> <p>We use this information to understand how pupils are performing, inform us of our next steps and to comply with our statutory reporting requirements to the Local Authority or the Government.</p> <p>This information also includes:</p> <ul style="list-style-type: none"> • attendance details (such as sessions attended, number of absences and reasons for absence); Performance and assessment information; • Behavioural information (including exclusions) • Special educational needs information. 	<p>This information is collected as pupil's progress through St Mary's and is based on attendance, performance and development.</p> <p>We collect information through a variety of day-to-day sources such as class registers, test results, reports and assessments.</p>
Photographs/Images	<p>We capture images of pupils engaging in school activities, but we will ask for parental consent to ensure parents are happy for us to use the images and under what conditions.</p>	<p>Parents are informed and their consent for use is sought.</p>
Computer Use	<p>In order to safeguard the school's IT system from attack or misuse, we automatically monitor information accessed including websites visited.</p> <p>By doing this, we can trace the accessing of inappropriate or infected material back to an individual.</p>	<p>Monitoring of access to websites etc. is automatic.</p>

The Purpose and Legal Basis for Collecting and Using This Information:

We collect and use this information for a variety of purposes and under a number of different legal bases. The legal basis is the reason for allowing us to process personal data.

LEGAL BASIS	WHEN	WHAT ALLOWS US
Public Task	We collect and use personal data in order to fulfil part of our function as a school, for example when we are required to use information under the Education Act 2002 as part of our official authority as a school.	Official Authority or Public Task is covered by article 6(1) (e) of the GDPR.
Legal Obligation	For example, where we need to comply with health and safety laws.	Legal obligation is covered by article 6(1) (c) of the GDPR.
Contract	To enter into a contract with you and to meet our obligations under that contract. For example, we need to process your data in order to provide a specific service, which we do under contract, this could be the hiring of musical instruments for an arranged period.	Contract is covered by article 6(1) (b) of the GDPR.
Legitimate Interest	In other cases, the school has a legitimate interest in processing personal data during an individual's relationship with the school; this could be the monitoring of access to the School's computer network.	Legitimate interest is covered by article 6(1) (f) of the GDPR.
Consent	Where you give permission to use your information and we will only use this under consent . Under this basis, we will ensure it is appropriate and that you have the right to refuse or withdraw consent at any time and that any decision you make to consent is a free one.	Consent is covered by article 6(1) (1) of the GDPR.

Our legal obligation or public task under various laws, relating to the provision of education, includes, but is not limited to the following:

- The Education Act 1944, 1996, 2002
 - The Education & Adoption Act 2016
 - The Education (Information About Individual Pupils) (England) Regulations 2013
 - Education and Skills Act 2008
 - Education (Pupil Registration) (England) Regulations 2006
 - Statutory Guidance for Local Authorities in England to Identify Children Not Receiving Education – February 2007)
 - Education and Inspections Act 2006
 - The Children Act 1989, 2004
 - The Childcare Act 2006
 - The Children & Families Act 2014
 - Local Safeguarding Children Boards Regulations 2006 (SI 2006/90)
 - The Localism Act 2011
 - Contract (traded services)
- We also process data on criminal convictions and offences including information relating to criminal allegations and proceedings. We process criminal data under Article 10 of the GDPR and, Schedule 1 Pt3 - 29, 33, 36 of the Data Protection Act 2018.
 - Where information processed is considered as ‘special category data’ such as health data, we do so under one of the conditions of Article 9 of the GDPR. These are:
 - Article 9 (2) (a) where you have given explicit consent for this information to be used
 - Article 9 (2) (b) where the information is required for us to fulfil our employment obligations
 - Article 9 (2) (d) where it is a legitimate activity, such as monitoring access to our ICT network
 - Article 9 (2) (f) where it would be required to establish, exercise or pursue a legal claim
 - Article 9 (2) (g) where we have identified substantial public interest, such as safeguarding children
 - Article 9 (2) (h) where it is required for reasons of occupational health purposes

Who Will You Share My Information With?

We are required to share data with a number of key organisations:

- the Department for Education (DfE) - on a statutory basis under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013
- Ofsted
- Youth support services – under section 507B of the Education Act 1996, to enable them to provide information regarding training and careers as part of the education or training of 13-19 year olds

- other schools that pupils have attended/will attend
- NHS for delivery of child health services, such as inoculation programmes and school nurses. They also use information about pupils for data research and statistical purposes
- NHS Digital for analysing and presenting a range of health & social care data, including height and weight of pupils
- welfare services (such as social services)
- law enforcement officials such as police, HMRC
- LADO
- training providers
- professional advisors such as lawyers and consultants
- support services (including HR support, insurance, IT support, information security, pensions and payroll)
- the local authority

St Mary's always ensures that reasons for sharing data with any of these organisations are in accordance with the GDPR and put in place appropriate safeguards for any personal data transfers.

Why Do We Share Pupil Information With The DfE?

We share children and young person's data with the Department for Education (DfE) on a statutory basis under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

This data sharing underpins school funding, educational attainment policy and monitoring and enables them to:

- produce statistics
- assess our performance
- determine the destinations of young people after they have left school or college
- evaluate Government funded programmes

There are also a number of data collection requirements involving the DfE, which we will cover later in this document.

Why Do We Share Pupil Information With The Local Authority?

We are required to share various data with the Cheshire East Council, including:

School Roll and Attendance:

We share information relating to school rolls and attendance to comply with the following:

- Section 436A of the Education & Inspections Act 2006 which places a duty on all schools and local authorities to identify children not receiving education.
- The Education (Pupil Registration) (England) Regulations 2006 which govern the circumstances in which a pupil may be placed on or removed from a school register.
- The 2016 amendment to the Education (Pupil Registration) (England) Regulations 2006 which requires all schools within an LA to share changes to the school roll with the relevant LA. This enables the school and the local authority to ensure that all children are in receipt of suitable education. The LA exerts its right under this legislation to request the details of pupils who start the school in the first year of admission for the school.
- From 2007, there has been a statutory duty on all Local Authorities in England and Wales to have systems and procedures in place to monitor Children Missing Education (*current guidance Children missing education - Statutory guidance for local authorities September 2016*). Since 2007, the local authority has maintained records of the education provision of all children in the city known to Education services. Schools and the Education Welfare Service have undertaken work to ensure that all children who leave our schools safely enter the education system in their new location.
- The duty to share information with the LA on children with irregular attendance is stated in section 12 of the Education (Pupil Registration) (England) Regulations 2006.
- With regard to children not attending full-time, Ofsted takes the view that there is an obligation for all schools to notify the local authority of any such arrangements for their pupils. Ofsted detailed this obligation in their report Pupils Missing Out on Education in November 2013. This includes all schools including both maintained and independent Schools.

Key Stage Data Collections:

The Assessment and Reporting Arrangements (ARA) Early Years Foundation Stage states that all providers have a statutory duty to submit EYFS Profile data to their geographic local authority. The LA then has a corresponding duty to submit that information to the DfE. The Department for Education issue the ARA, based for the following legal status:

- Section 39(1)(a) of The Childcare Act 2006 stipulates that Early Years providers must ensure that their provision meets the learning and development requirements as specified in the EYFS (Learning and Development Requirements) Order 2007 (S.I. 2007/1772) (amended in 2012). The Act also states that this Order can specify the

arrangements that are required for assessing children for ascertaining what they have achieved in relation to the ELGs.

- All English local authorities must have regard to any guidance given by the STA in exercising their function under the EYFS (Learning and Development Requirements) Order 2007, article 4.2. The learning and development requirements are given legal force by an Order made under section 39 (1) (a) of the Childcare Act 2006.
- Academies are required to implement the requirements of the EYFS as set out in section 40 of the Childcare Act 2006 and must comply with local authority moderation requirements. All registered Early Years providers are required to complete the EYFS assessment for any children in the final year of the EYFS and to participate in moderation. This includes an academy providing for children in the final year of the EYFS.
- The Standards and Testing Agency (STA) sets out the options for academies regarding Key Stage 1 data (including Year 1 Phonics check) in the Key Stage 1 Assessment and Reporting Arrangements. This document contains provisions made pursuant to article 9 of The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004, as amended. This order is made under section 87(3) of the Education Act 2002. This document gives full effect to, or otherwise supplements, the provisions made in the order and as such has effect as if made by the order.
- The Standards and Testing Agency (STA) sets out the options for academies regarding Key Stage 2 data in the Key Stage 2 Assessment and Reporting Arrangements. This document contains provisions made pursuant to article 11 of The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003, SI 2003/1039 (as amended by SI 2009/1585, SI 2010/290, SI 2010/677, SI 2011/2392, SI 2012/765 and SI 2012/838). This order is made under section 87(3) of the Education Act 2002. This document gives full effect to, or otherwise supplements, the provisions made in the order and as such has effect as if made by the order. This assessment and reporting arrangement (ARA) also contains guidance and information that does not form part of the law.
- The DfE reviews the ARAs annually and this agreement covers the current Arrangements at the time of the data collection request.

Other Statutory Data for Providing Services

- The DfE provides an online Free School Meal Eligibility Checking Service (FSM ECS) which allows local authorities to check whether pupils in their area are entitled to free school meals when they make an application. The system checks information held by the relevant government departments and gives a speedy response; this ensures that a pupil may receive a free school meal the day after an application is successful.

- This data would facilitate the local authority to promote or improve the economic, social and environmental wellbeing of children and families. This will include the provision of improvements to educational opportunity as well as the reduction or elimination of risk factors for children within Cheshire East, (Section 2, Local Government Act 2000). This data would support the local authority to perform its functions of providing services to children and families under Part III, Section 27, of the Children Act 1989.
- This information would also contribute to ensure the provision of appropriate services for all children and young people 'in need' or at risk or likely to be at risk of suffering significant harm (Sections 17(1) and 47 (1) of the Children Act 1989) or otherwise considered to be at risk of social or educational exclusion.
- The local NHS Trust use information about pupils for a range of school delivered child health services such as inoculation programmes. They also use information about pupils for data research and statistical purposes, to monitor the performance of local health services and to evaluate and develop those services. The NHS use statistics in such a way that individual pupils cannot be identified. Information on the height and weight of individual pupils may however be provided to children and their parents and this will require the NHS Trust to maintain details of pupils' names for this purpose for a period designated by the Department of Health following the weighing and measuring process. The NHS Trust may also provide individual schools and LAs with summary information on pupils' height and weight but will do in a way that does not identify the pupils involved.

How Long Will You Keep This Data For And Why?

We hold pupil data in line with our published retention schedule detailed in Data Information and Guidance Section of the school website, but as a general guide, we hold pupil data while they remain at St Mary's, after which their file and associated data is transferred to their next school (another primary, secondary or pupil referral unit).

How Do You Ensure The Data You Hold Is Accurate?

We have a responsibility to ensure that the data we hold is accurate and up-to-date. Whilst we can ensure that the data the school produces about pupils is accurate, we must rely on the parent/carer to inform us where information may change – for example if address details or contact information changes.

We issue data collection sheets on an annual basis to confirm that the information we hold is correct and, where necessary to make changes to any information that needs updating.

Should details change during the school year, we actively encourage parents/carers to notify us of those changes and not to wait to update the form the following year. A change of details for is available on the school website or the office to inform us of the change.

My Rights:

Please refer to Your Data Rights section of GDPR16Ga Privacy Notice General for further information.

Who Can I Complain To If I Am Unhappy About How My Data Is Used?

If you have a concern about the way we are collecting or using your personal data, you should raise your concern by contacting:

The Data Protection Lead (Mrs Lisa Lee):

- by telephone, 01270 685174
- by email, admin@stmarysrc.cheshire.sch.uk
- by letter, St Mary's Catholic Primary School & Nursery, Dane Bank Avenue, Crewe, Cheshire, CW2 8AD

Data Protection Officer:

- by telephone 0300 123 8 123
- by email at SchoolDPO@cheshirewestandchester.gov.uk
- by letter, Data Protection Officer, Cheshire West and Chester Council, Council Offices, 4 Civic Way, Ellesmere Port CH65 0BE

DfE 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):

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.

The NPD holds information in an electronic format for statistical purposes and is securely collected from a range of sources including schools, local authorities and awarding bodies.

The law requires us to provide information about our pupils to the DfE as part of statutory data collections. Some of this information is then stored in the national pupil database (NPD). The legislation that requires this is the Education (Information about Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, please go to:

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out further information in connection with 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 Department has robust processes in place to ensure the confidentiality of our data is maintained. There are also stringent controls in place regarding access and use of the data. 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
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To allow 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>

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>