



PRIVACY NOTICE FOR PARENTS, CARERS AND PUPILS

How we use parent, carer and pupil information

Under the General Data Protection Regulations (GDPR), St. Nicholas School is obliged to inform you of the information we hold on parents, carers and pupils in the capacity of Data Controller. This privacy notice explains how and why we collect data, what we do with it and what rights parents and pupils have. St. Nicholas is a Voluntary Assisted school and follows the guidance of the local authority, the Diocese of St. Albans and the Department for Education. If, or any information linked to is unclear, please contact the school office, or the school's Data Protection Officer. Contact details for both are available at the end of this privacy notice.

Please also refer to the Appendix dealing with Coronavirus Test and Trace.

1. Why do we collect and use information?

We use the pupil and parent data:

- to support pupil learning;
- to monitor and report on pupil progress;
- to provide appropriate pastoral and medical care;
- to assess the quality of our services;
- to manage admissions and maintain continuing interests lists;
- to comply with the law regarding data sharing;
- for the protection and welfare of pupils and others in the school;
- for the safe and orderly running of the school;
- to communicate with parents / carers and
- to promote the school.

2. The lawful basis on which we use this information

Our lawful basis for collecting and processing pupil information is defined under Article 6, and the following sub-paragraphs in the GDPR apply:

- (a) Data subject gives consent for one or more specific purposes.
- (c) Processing is necessary to comply with the legal obligations of the controller.
- (d) Processing is necessary to protect the vital interests of the data subject.

(e) Processing is necessary for tasks in the public interest or exercise of authority vested in the controller (the provision of education).

Our lawful basis for collecting and processing pupil information is also further defined under Article 9, in that some of the information we process is deemed to be sensitive, or special, information and the following sub-paragraphs in the GDPR apply:

- (a) The data subject has given explicit consent.
- (b) It is necessary to fulfil the obligations of controller or of data subject.
- (c) It is necessary to protect the vital interests of the data subject.
- (d) Processing is carried out by a foundation or not-for-profit organisation (includes religious, political or philosophical organisations and trade unions)
- (g) Reasons of public interest in the area of public health
- (i) It is in the public interest

A full breakdown of the information we collect on pupils can be requested from the school office.

Where we have obtained consent to use personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Where the personal data we collect about pupils is sensitive personal data, we will only process it where:

- a. we have explicit consent;
- b. processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and / or
- c. processing is necessary for reasons of substantial public interest, on the basis of 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.

Please see our Data Protection Policy for a definition of sensitive personal data.

3. The categories of information that we collect, hold and share include:

- a. Personal information (such as name, unique pupil number and address);
- b. Contact details and preference (contact telephone numbers, email addresses, addresses)
- c. Characteristics (such as ethnicity, language, medical conditions, nationality, country of birth and free school meal eligibility);

- d. Attendance information (such as sessions attended, number of absences and absence reasons)
- e. Assessment information (such as data scores, tracking, and internal and external testing)
- f. Relevant medical information (such as NHS information, health checks, physical and mental health care, immunisation program and allergies)
- g. Special educational needs information (such as EHCP's, applications for support, care or support plans)
- h. Photographs (for internal safeguarding & security purposes, school newsletters, media and promotional purposes).

From time to time and in certain circumstances, we might also process personal data about pupils, some of which might be sensitive personal data, including information about criminal proceedings, 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.

4. Collecting parent, carer and pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

Where appropriate, we will ask parents for consent to process personal data where there is no other lawful basis for processing it, for example if we want to ask your permission to use your information for marketing purposes.

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

5. Storing parent, carer and pupil data

We hold pupil data whilst the child remains at St. Nicholas C of E School. The file will follow the pupil when he/she leaves St. Nicholas C of E School. However where there is a legal obligation to retain the information beyond that period, it will be retained in line with our retention policy.

We have data protection policies and procedures in place, including strong organisational and technical measures, which are regularly reviewed.

A significant amount of personal data is stored electronically, for example, on our MIS

database. Some information may also be stored in hard copy format.

6. With whom do we share information with?

We routinely share information with:

- schools that pupils attend after leaving us;
- our local authority - Herts for Learning;
- a pupil's home local authority (if different);
- the Department for Education (DfE);
- the pupil's family and representatives;
- school governors / trustees;

From time to time, we may also share information other third parties including the following:

- the Ofsted inspector;
- the Police and law enforcement agencies;
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers;
- Courts, if ordered to do so;
- the National College for Teaching and Learning;
- the Joint Council for Qualifications;
- 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;
- Diocesan Officers at the Diocese of St. Albans for the purposes of receiving educational support;
- Clergy at St. Nicholas church;
- our legal advisors;
- our insurance providers / the Risk Protection Arrangement;

Some of the above organisations may also be Data Controllers in their own right in which case we will be jointly controllers of your personal data and may be jointly liable in the event of any data breaches.

In the event that we share personal data about pupils with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

7. Why we share information

We do not share information with anyone without consent unless the law allows us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring. We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

8. 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>.

For more information about services for young people, please visit our [local authority website](#).

9. 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.

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 and early years' 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.

To find out more about the pupil information we share 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 data is maintained and there are 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 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>

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>

10. Requesting access to your personal data

Under data protection legislation, parents, carers and pupils have the right to request access to information about them that we hold ("Subject Access Request"). To make a request for your child's personal data, or be given access to your child's educational record, contact the Head teacher although any written request for personal data will be treated as a Subject Access Request.

Subject to the section below, the legal timescales for the School to respond to a Subject Access Request is one calendar month. As the School has limited staff resources outside of term time, we encourage parents / pupils to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. For further information about how we handle Subject Access Requests, please see our Data Protection Policy.

Parents/carers also have a legal right to access to their child's educational record. To request access, please contact admin@stnicholasce.org for attention of the Head teacher.

You also have the right to:

- object to 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

- claim compensation for damages caused by a breach of our data protection responsibilities.

11. Concerns

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance as we take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our data protection officer via email dpo@stnicholasce..org

Alternatively, you can make a complaint to the Information Commissioner's Office: Report a concern online at <https://ico.org.uk/concerns/>. Call 0303 123 1113

12. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our data protection officer at dpo@stnicholasce.org or admin@stnicholasce.org

This Privacy Notice for Parents, Carers and Pupils was approved at the Personnel, Pay & Performance Management Committee meeting held on 2 March 2021.

Appendix

Privacy Notice Coronavirus Test and Trace

The development of the NHS Test and Trace scheme is a key part of the government's plan to manage Coronavirus. As a private individual, compliance with the scheme may be optional, so that an individual cannot be forced to provide details when visiting some types of establishments. However, schools are public authorities and have a legal duty to protect and promote the welfare of pupils, as well as a duty of care to staff. We are required to manage confirmed cases of coronavirus (COVID-19) amongst the school community to contain any outbreak by engaging with the NHS Test and Trace process and by following local health protection team advice.

If a person in a school has COVID-19 or symptoms of the virus they will be sent home, as will other people in school who have had contact with this individual and who may be at

risk. In a school setting, it is unlikely that any one individual will know the details of others around them who may have been affected. It is only the school that will have that data. We would notify individuals about a risk, and in many instances that will be sufficient.

However, the Department for Education guidance says:

‘As part of the national test and trace programme, if other cases are detected within the child or young person’s cohort or in the wider education or childcare setting, Public Health England’s local Health Protection Teams will conduct a rapid investigation and will advise schools and other settings on the most appropriate action to take.’

If a case or suspected case of Coronavirus arises in our school then it may be necessary for us to share contact data of employees, pupils/students, contractors or visitors with NHS Test and Trace workers in order to make the process as effective as possible. Although at no point will we share data without a sound legal basis, in this situation it is not a matter of giving consent to share data, as there is a Public Duty to do so. This data will usually only consist of names and contact details, e.g. email address and/or telephone number.

We will therefore be sharing data on the basis that this is a Public Duty and, in the case of any health data, that it is necessary for the public interest, as set out below. It will only be used and retained in line with national guidelines and the applicable data protection laws. Where data needs to be shared we will:

- only share data with the relevant authorities
- verify the identity of persons requesting personal data
- limit the data shared to the minimum necessary
- ensure the data is kept secure, and only share via secure methods
- keep a record of the data shared, under the strictest confidence
- notify any individuals whose data has been shared (where possible)

NHS Test and Trace and the Law

The law on protecting personally identifiable information, known as the General Data Protection Regulation (GDPR), allows Public Health England to use the personal information collected by NHS Test and Trace. The section of the GDPR that applies is:

Article 6(1)(e) – ‘processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller’

As information about health is a special category of personal information, a further section of the GDPR applies:

Article 9(2)(i) – ‘processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare’

Public Health England also has special permission from the Secretary of State for Health and Social Care to use personally identifiable information without people’s consent where this is in the public interest. This is known as ‘Section 251’ approval and includes the use of the information collected by NHS Test and Trace to help protect the public from coronavirus. The part of the law that applies here is Section 251 of the National Health

Service Act 2006 and the associated Health Service (Control of Patient Information) Regulations 2002.

The privacy notice for the service can be found here:

<https://contact-tracing.phe.gov.uk/help/privacy-notice>

Rights of Data Subjects in relation to their personal data

Any data subject has the right to request access to personal data that we hold about them. To make a request for access to their personal data, individuals should contact our DPO.

Individuals also have the right to:

- object to 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

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with our DPO in the first instance. You can also contact the Information Commissioner's Office, if necessary, at <https://ico.org.uk/concerns/>