

The Westgate School

Privacy notice for students/parents/carers

This privacy notice describes how we collect and use personal information about pupils, in accordance with the UK General Data Protection Regulation (UK GDPR), section 537A of the Education Act 1996 and section 83 of the Children Act 1989.

Following Brexit, Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relate to general personal data processing, powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

The Westgate School is a 'data controller' for the purposes of data protection law. This means that we are responsible for deciding how we hold and use personal information about students.

1. What personal information do we hold?

We collect, store (when appropriate) and share the following categories of personal information about you:

- Personal information such as name, unique pupil number, date of birth, address and identity documents;
- Emergency contact and family information such as names, relationship, phone numbers and email addresses;
- Characteristics (such as ethnicity, language, nationality, country of birth, free school meal eligibility, and special educational needs);
- Attendance details (such as sessions attended, number of absences and reasons for absence);
- Performance and assessment information;
- Behavioural information (including exclusions)
- Safeguarding information;
- Relevant medical information including physical and mental health and accident reports;
- Details of any support received, including plans and support providers; and
- Photographs and images captured in school by school's CCTV system

We may also hold data about students that we have received from other organisations, including other schools/colleges, local authorities, the Department of Education (DfE) and the Learning Records Service (LRS).

2. Collecting Student Information

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

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

3. Why do we use this information?

We hold this data and use it as follows: -

- To support student learning and achievement;
- To monitor and report on student progress and achievement;
- Safeguarding students welfare and providing appropriate pastoral care (where necessary medical care);
- To assess the performance of the school; and
- To comply with the law regarding data sharing.

Note: schools and local authorities have a duty under the Data Protection Act 2018 (DPA) and the GDPR to ensure that any personal data they process is handled and stored securely.

4. What is our legal basis for using this information?

We will only use your information when the law allows us to. Most commonly, we will use your information where:

- We need to comply with a legal obligation; or
- We need to perform an official task in the public interest.

We may also use your personal information where:

- We have obtained consent to use it in a certain way; or
- We need to protect an individual's vital interests.

Where we have obtained consent to use students' 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.

Some of the reasons listed for collecting and using students' personal data overlap and there may be several grounds which justify our use of this data.

5. Sharing Data

We may need to share student data with third parties where it is necessary. There are strict controls on who can see this information. We will not share this data if you have advised us that you do not want it shared unless it's the only way we can make sure you stay safe and healthy or we are legally required to do so.

Where it is legally required, or necessary for another reason allowed under data protection law, we may share personal information about students with:

- Department for Education (DfE);
- Ofsted;
- Relevant local authorities;
- Suppliers/service providers; Financial organisations;

- Health authorities and social welfare organisations;
- Professional advisers and consultants;
- Police forces, courts and tribunals;
- Our auditors;
- Central and local Government;
- Security organisations;
- Survey and research organisations;
- Charities and voluntary organisations;
- Students' families and their representatives;
- Other schools or education providers that students have attended/will attend; or
- Other professional bodies.

6. Why We Share This Information

We do not share information about our students with anyone without consent unless otherwise required by law.

For example, we share student's data with the DfE on a statutory basis, which underpins school funding and educational attainment. To find out more about the data collection requirements placed on us by the DfE please go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

7. Storing Student Data

We will keep personal information about you while you are a student at our school. We may also keep this information after you have left the school, where required by law. Please refer to the Information and Records Management Society's toolkit for schools, for details on how long we retain your information.

Information may be stored on our school computer systems or on paper.

8. Youth Support Services for students aged 13+ and 16+

Once our students reach the age of 13, we are legally required to pass on certain information about them to the local authority as they have legal responsibilities regarding the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This information enables the local authorities to provide youth support services, post 16 education, training services and careers advisers.

A parent or guardian can request that only their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once he/she reaches the age 16.

9. Transferring data Internationally

Where we share data with an organisation that is based outside the European Economic Area, we will protect your data by following data protection law.

10. Your rights

How to access personal information that we hold

Under data protection legislation, parents and students have the right to make a **‘subject access request’** to gain access to personal information that we hold. Parents/carers can make a request with respect to their child’s information where the child is not considered mature enough to understand their rights over that information (usually under the age of 12) or where the child has provided consent.

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 purposes 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 the data protection regulations.

If you want to exercise any of the above rights, please contact our Data Protection Officer. We may need to request specific information from you in order to help us confirm your identity and verify your right to access the information (or to exercise any of your other rights).

11. 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 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 students 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 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; or
- providing information, advice or guidance.

The Department 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 student 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>

12. Complaints and contact

If you would like to discuss anything within this privacy notice or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with the Head Teacher in the first instance.

We have appointed a Data Protection Officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by the Head Teacher then you can contact the DPO on the details below: -

Data Protection Officer: Judicium Consulting Limited
 Address: 72 Cannon Street, London, EC4N 6AE
 Email: dataservices@judicium.com
 Web: www.judiciumeducation.co.uk
 Lead Contact: Craig Stilwell

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues at <https://ico.org.uk/concerns>.

Changes to This Privacy Notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

Revised August 2022