Privacy Notice

for Pupils

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# 1. Introduction

You have a legal right to be informed about how Essa Foundation Academies Trust uses any personal information that we hold about you. Essa Foundation Academies Trust is the academy trust that owns and operates your school. To comply with this, we provide a ‘privacy notice’ to you when we are processing your personal data.

This notice explains how we collect, store and use personal data about **pupils at our schools**, like you.

Our trust, Essa Foundation Academies Trust is the ‘data controller’ for the purposes of data protection law.

Our Data Protection Officer is Miss Maria Neary (see ‘Contact us’ below).

# 2. The personal data we hold

We hold some personal information about you to make sure we can help you learn and look after you at school.

For the same reasons, we get information about you from some other places too – like other schools, the local council and the government.

Personal information that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

* Your contact details
* Your test results
* Your attendance records
* Details of any behaviour issues or exclusions
* Further Education destination data

We may also collect, use, store and share (when appropriate) information about you that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to:

* Information about your characteristics, like your ethnic background or any special educational needs
* Information about any medical conditions you have
* Photographs, video footage and CCTV images
* Biometrics - fingerprints

# 3. Why we use this data

We use the data listed above to:

1. Get in touch with you and your parents when we need to
2. Check how you’re doing in exams/assessments and work out whether you need any extra help
3. Track how well the school as a whole is performing
4. Look after your wellbeing and to keep you safe
5. Identity management
6. to meet the statutory duties placed upon us for DfE data collections
7. Investigating allegations about your behaviour and undertaking any exclusion review processes (including the use of CCTV as evidence in those processes)
8. cashless catering

3.1 Use of your personal data for marketing purposes

Where you have given us consent to do so, we may send you messages by email or text promoting school events, campaigns, charitable causes or services that you might be interested in.

You can take back this consent or ‘opt out’ of receiving these emails and/or texts at any time by contacting us (see ‘Contact us’ below).

3.2 Use of your personal data in automated decision making and profiling

We don’t currently put your personal information through any automated decision making or profiling process. This means we don’t make decisions about you using only computers without any human involvement.

If this changes in the future, we will update this notice in order to explain the processing to you, including your right to object to it.

# 4. Our lawful basis for using this data

We will only collect and use your information when the law allows us to. We need to establish a ‘lawful basis’ to do this.

Our lawful bases for processing your personal information for the reasons listed in section 3 above are:

* For the purposes of **(a), (b), (c),** **(d) and (e)** above, in accordance with the ‘public task’ basis – we need to process data to fulfil our official duties as a school in accordance with the following lawful condition:

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”*

* For the purposes of **(f)** above, in accordance with the ‘legal obligation’ basis – we need to process data to meet our responsibilities under law as set out here:
	+ - data collected for DfE census information
* Section 537A of the Education Act 1996
* the Education Act 1996 s29(3)
* the Education (School Performance Information)(England) Regulations 2007
* regulations 5 and 8 School Information (England) Regulations 2008
* the Education (Pupil Registration) (England) (Amendment) Regulations 2013
* Independent School Standards 2014
* Children and Families Act 2014
* Special Education Needs and Disability Regulations 2014
* For the purposes of **(g)** above, in accordance with the ‘consent’ basis – we will obtain consent from you to use your personal data.

Where you’ve provided us with consent to use your information, you may take back this consent at any time. We’ll make this clear when requesting your consent, and explain how you’d go about withdrawing consent if you want to.

4.1 Our basis for using special category data

For ‘special category’ data (more sensitive personal information), we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in data protection law:

* We have obtained your explicit consent to use your information in a certain way
* We need to use your information under employment, social security or social protection law
* We need to protect an individual’s vital interests (i.e. protect your life or someone else’s life), in situations where you’re physically or legally incapable of giving consent
* The information has already been made obviously public by you
* We need to use it to make or defend against legal claims
* We need to use it for reasons of substantial public interest as defined in legislation
* We need to use it for health or social care purposes, and it’s used by, or under the direction of, a professional obliged to confidentiality under law
* We need to use it for public health reasons, and it’s used by, or under the direction of, a professional obliged to confidentiality under law
* We need to use it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the use is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in data protection law. Conditions include:

* We have obtained your consent to use it in a specific way
* We need to protect an individual’s vital interests (i.e. protect your life or someone else’s life), in situations where you’re physically or legally incapable of giving consent
* The data concerned has already been made obviously public by you
* We need to use it as part of legal proceedings, to obtain legal advice, or to make or defend against legal claims
* We need to use it for reasons of substantial public interest as defined in legislation

When collecting your fingerprint we will also ensure that we comply with the Protection of Freedoms Act 2012 and obtain your parent’s consent.

# 5. Collecting this data

While most of the information we collect about you is mandatory, there is some information that can be provided voluntarily.

Whenever we want to collect information from you, we make it clear if you have to give us this information (and if so, what the possible consequences are of not doing that), or if you have a choice.

Most of the data we hold about you will come from you, but we may also hold data about you from:

* Your parents
* You previous schools (as applicable)
* Local councils
* Government departments or agencies
* Police forces, courts, tribunals

# 6. How we store this data

We keep personal information about you while you’re attending our school. We may also keep it beyond your attendance at our school if this is necessary. Our record retention schedule/records management sets out how long we keep information about pupils.

We have security measures in place to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We’ll dispose of your personal data securely when we no longer need it.

# 7. Who we share data with

We don’t share information about you with any third party without your consent unless the law and our policies allow us to do so.

Where it’s legally required, or necessary (and it complies with data protection law), we may share personal information about you with:

* Bolton local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions
* Government departments or agencies
* Our youth support services provider
* Our regulators, Ofsted, the Education and Skills Funding Agency and the Department for Education
* Suppliers and service providers
* Financial organisations
* Our auditors
* Survey and research organisations
* Health authorities
* Security organisations
* Health and social welfare organisations
* Professional advisers and consultants
* Charities and voluntary organisations
* Police forces, courts, tribunals

**National Pupil Database**

We have to provide information about you to the Department for Education (a government department) as part of data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](https://www.gov.uk/government/collections/national-pupil-database), which is managed by the Department for Education and provides evidence on how schools are performing. This, in turn, supports research.

The database is held electronically so it can easily be turned into statistics. The information it holds is collected securely from schools, local authorities, exam boards and others.

The Department for Education may share information from the database with other organisations, such as organisations that promote children’s education or wellbeing in England. These organisations must agree to strict terms and conditions about how they will use your data.

You can find more information about this on the Department for Education’s webpage on [how it collects and shares research data](https://www.gov.uk/data-protection-how-we-collect-and-share-research-data).

You can also [contact the Department for Education](https://www.gov.uk/contact-dfe) if you have any questions about the database.

# 8. Your rights

8.1 How to access personal information that we hold about you

You have a right to make a ‘subject access request’ to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (unless there’s a really good reason why we shouldn’t):

* Give you a description of it
* Tell you why we are holding and using it, and how long we will keep it for
* Explain where we got it from, if not from you
* Tell you who it has been, or will be, shared with
* Let you know whether any automated decision-making is being applied to the data (decisions made by a computer or machine, rather than by a person), and any consequences of this
* Give you a copy of the information in an understandable form

You may also have the right for your personal information to be shared with another organisation in certain circumstances.

If you would like to make a request, please contact us (see ‘Contact us’ below).

8.2 Your other rights regarding your data

Under data protection law, you have certain rights regarding how your personal information is used and kept safe. For example, you have the right to:

* Say that you don’t want your personal information to be used
* Stop it being used to send you marketing materials
* Say that you don’t want it to be used for automated decisions (decisions made by a computer or machine, rather than by a person)
* In some cases, have it corrected if it’s inaccurate
* In some cases, have it deleted or destroyed, or restrict its use
* In some cases, be notified of a data breach
* Make a complaint to the Information Commissioner’s Office
* Claim compensation if the data protection rules are broken and this harms you in some way

To exercise any of these rights, please contact us (see ‘Contact us’ below).

# 9. Complaints

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 concerns about our data processing, please let us know first.

Alternatively, you can make a complaint to the Information Commissioner’s Office:

* Report a concern online at <https://ico.org.uk/make-a-complaint/>
* Call 0303 123 1113
* Or write to: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

# 10. 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**:

Miss Maria Neary

Data Protection Officer

Email: nearym@efatrust.org

Tel: 01204 333 222