Privacy Notice

for parents and carers

use of your child’s personal data

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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. We comply with this right by providing ‘privacy notices’ (sometimes called ‘fair processing notices’) to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about pupils at our school.

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

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

* Contact details, contact preferences, date of birth, identification documents
* Results of internal assessments and externally set tests
* Pupil and curricular records
* Exclusion information
* Attendance information
* Safeguarding information
* Further Education destination data

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

* Any medical conditions we need to be aware of, including physical and mental health
* Photographs and CCTV images captured in school
* Characteristics, such as ethnic background or special educational needs
* Biometrics - fingerprints

We may also hold data about your child that we have received from other organisations, including other schools and social services.

# 3. Why we use this data

We use the data listed above to:

1. Support pupil learning
2. Monitor and report on pupil progress
3. Provide appropriate pastoral care
4. Protect pupil welfare
5. Identity Management
6. Assess the quality of our services
7. to meet the statutory duties placed upon us for DfE data collections
8. Cashless Catering
9. Investigating allegations about your child’s behaviour and undertaking any exclusion review processes (including the use of CCTV as evidence in those processes)

3.1 Use of your child’s 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 child’s data in automated decision making and profiling

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

# 4. Our lawful basis for using this data

Our lawful bases for processing your child’s personal data for the purposes listed in section 3 above are as follows:

* For the purposes of **(a), (b), (c), (d), (e) & (f)** above, in accordance with the ‘public task’ basis – we need to process data to fulfil our official duties as a school. The lawful basis is as set out here:

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 **(g)** 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 **(h)** above, in accordance with the ‘consent’ basis – we will obtain consent from you to use your personal data. We will also comply with the provisions of the Protection of Freedoms Act 2012.

Where you have provided us with consent to use your child’s data, you (or they if they are competent to exercise their own data rights) may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

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 child’s personal data in a certain way
* We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
* We need to protect an individual’s vital interests (i.e. protect your child’s 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 manifestly public by you
* We need to process it for the establishment, exercise or defence of legal claims
* We need to process it for reasons of substantial public interest as defined in legislation
* We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
* We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing 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 child’s 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 manifestly public by you
* We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
* We need to process it for reasons of substantial public interest as defined in legislation

# 5. Collecting this data

While the majority of information we collect about your child is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

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

* Local authorities
* Government departments or agencies
* Police forces, courts, tribunals

# 6. How we store this data

We keep personal information about your child while they are 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 put in place appropriate security measures to prevent your child’s personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your child’s personal data securely when we no longer need it.

# 7. Who we share data with

We do not share information about your child with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law), we may share personal information about your child 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 are required to provide information about pupils to the Department for Education as part of statutory 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) (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

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

For more information, see the Department’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) with any further questions about the NPD.

# 8. Your rights

**8.1 How to access personal information that we hold about your child**

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

If you make a subject access request, and if we do hold information about your child, we will (subject to any exemptions that apply):

* Give you a description of it
* Tell you why we are holding and processing 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, and any consequences of this
* Give you a copy of the information in an intelligible form

You may also have the right for your child’s personal information to be transmitted electronically to another organisation in certain circumstances.

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

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), we will need to obtain consent from your child for you to make a subject access request on their behalf.

**8.3 Your other rights regarding your child’s data**

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

* Object to our use of your child’s personal data
* Prevent your child’s data being used to send direct marketing
* Object to and challenge the use of your child’s personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
* In certain circumstances, have inaccurate personal data corrected
* In certain circumstances, have the personal data we hold about your child deleted or destroyed, or restrict its processing
* In certain circumstances, be notified of a data breach
* Make a complaint to the Information Commissioner’s Office
* Claim compensation for damages caused by a breach of the data protection regulations

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

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), we will need to obtain consent from your child for you to make these requests on their behalf.

# 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 concern about our data processing, please raise this with us in the first instance.

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