

## **Special Educational Needs and Disabilities PRIVACY NOTICE for STUDENTS and PARENTS/CARERS**

### **Introduction**

This notice is to help prospective and current students and parents/carers understand **how** and **why** the School collects Special Educational Needs and Disabilities (SEND) personal information relevant to students. It also explains **what** the School does with that information and explains the decisions which students and parents/carers can make about their own information.

### **What is 'personal information'?**

Personal information is information which the School collects about individuals. This includes information such as name, date of birth and address/contact details as well as exam results, medical details, nationality and behaviour records. The School may also record religion and ethnicity.

### **Why does the School collect and process personal information?**

The School collects this information to help those with special educational needs and disabilities in their education. It also helps the school operate legally, safely and effectively in the wide range of situations and processes which represent its day-to-day operations. Here are some examples:

- The School needs to collect and generate a range of personal data on each student in order to fulfil its legal and regulatory responsibilities;
- The School will need to advise teaching and support staff if a student may need extra help with some tasks in the form of a learning profile. Where relevant this profile is given/sent out annually.
- The School may need to allocate additional time for internal and external examinations;
- The School may need to allocate additional time for teaching and support;
- The School may have to make provision for additional resources such as computers in classrooms;
- The School uses CCTV to ensure the site is safe;
- The School may need to report some information to the Government;
- The School may need to share information with the police or legal advisers to help with an enquiry;
- The School will share some information with its insurance company;
- The School may share SEND, student academic and behaviour records with their parents/carers/exam moderators and other support agencies so that they can support the student's schooling;
- The School will retain the SEND information for both students and parents after the student has left the School. This is to enable it to respond to enquiries from students and their families, which may occur a considerable time after the student's leaving date, and also to comply with legal and regulatory requirements, for instance in respect of safeguarding matters.

### **How does the School collect personal information?**

Personal information relevant to students' special educational needs and disabilities is captured in a number of ways. Primarily, from the student and parent/carer at their request but on occasion, the School may also obtain information from doctors, assessors and other professionals. Such information may be collected on special education needs and disability data forms, through both online and offline tests as well as one to one meetings with the SEND team and independent assessors. In addition, the School obtains other information from students, parents/carers and teachers as part of the day-to-day education of students. CCTV, photos and video recordings of students are also gathered in the normal course of the business of the school.

The categories of information the School collects, holds and shares include:

- Personal information (such as name, unique student number, address and electronic contact details);
- Characteristics (such as ethnicity, language, nationality, country of birth);
- Attendance information (such as sessions attended, number of absences and absence reasons);
- Relevant medical and special educational needs information gathered from a family questionnaire prior to a school assessment;
- Educational psychological assessments including specialist assessment reports and access arrangement assessment reports;
- A summary of a student's additional needs including learning profiles and the additional needs in the provision of exams;
- Results from screening tests carried out at various key stages;
- Reviews with students and staff relating to any learning profile or special need.
- Information provided from students and parents/carers.
- Physical and health assessments;
- Academic assessments and exam information
- Other current and historic information in order to facilitate academic, pastoral and special educational needs support;
- CCTV images and photographs;

The School considers all of this information to be important in order to enable it to support special educational needs and provide a service to our students and their families.

### **Why does the School collect and process special category personal information?**

In particular, health information relating to special educational needs and disabilities is classified as "Special Category Data", (defined as racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information, health information and information about sex life or orientation). This information is needed for the School and relevant authorities to carry out an assessment of the needs of the individual and to be able to put in place suitable measures so it can operate in the wide range of situations and processes which represent its day-to-day operations. These reasons include:

- To provide educational services in the context of any special educational needs and disability of a student;
- To ensure appropriate additional support is available in the classroom;
- To safeguard students' welfare, provide appropriate pastoral and where necessary, medical care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition where it is in the individual's interests to do so;
- To comply with legal and regulatory requirements (such as child protection, diversity monitoring and health and safety).

### **What does the School do with personal information?**

Personal information is kept with appropriate security, either electronically on the School's information management systems or manually in indexed filing systems. The School Business Director is responsible for the control of all personal information within the School and deciding how it is shared. The information is kept up to date, as far as possible, by reference to the data subject, is treated fairly and is only used for purposes as defined by the School. However, the School does not share any special category personal data about our students or parents with anyone without their consent unless the law and our policies allow us to do so. In some cases, the School uses third parties to handle personal information on our behalf, e.g. IT providers who might store personal information on the cloud or access such information when checking the security of our network.

## **Our legal grounds for using your information**

This section contains information about the legal basis that the School is relying on when handling personal information.

### **Legitimate interests**

This means that the data processing is necessary for legitimate interests except where the processing is unfair to you. The School relies on legitimate interests for most of the ways in which it uses information.

Specifically, the School has a legitimate interest in:

- Providing educational services to students;
- Safeguarding and promoting the welfare of students/other children;
- Promoting the objects and interests of the School. This includes fundraising and alumnae activity.
- Facilitating the efficient operation of the School; and
- Ensuring the School complies with all relevant legal obligations.

If you object to us using your information where the School is relying on our legitimate interests as explained above, please contact the School Business Director.

### **Necessary for contract**

The School will need to use information in order to perform our obligations under our contract with you. For example, the School will need your name and contact details so that it can update you on your child's progress and can contact you if there is a concern.

### **Legal obligation**

The School will need to use your information in order to comply with a legal obligation, for example to report a concern to Children's Services. The School may also have to disclose your information to third parties such as the courts, the local authority or the police where legally obliged to do so.

### **Vital interests**

The school may have to act in vital interests, for example, to prevent someone from being seriously harmed or killed.

### **Public interest**

The School considers that it is acting in the public interest when providing education.

### **Consent**

If we ask for your consent to use your personal information you can take back this consent, at any time, but this may limit the assistance we can provide to the student. If you do withdraw consent any use of your information before you withdraw your consent remains valid. Please contact the School Business Director if you would like to withdraw any consent given.

### **Sending information to other countries**

The School will not transfer any personal data outside the EEA unless it is satisfied that the data subject's rights will be adequately protected.

### **Retention policy**

The School retains information where it has a legitimate interest in holding that information in the fulfilment of its role and objectives as an educational institution. In some cases, information can be held for longer. For example, the School may retain some information indefinitely for safeguarding.

### **What decisions can you make about your information?**

If personal information is felt to be incorrect, the School should be contacted and asked to rectify, block, erase or destroy the data as necessary. This is subject to the School's assessment on whether the request is a valid one.

The School Business Director is responsible for data protection compliance and can be contacted directly by parents/carers regarding what personal information is held by the School for either themselves or their child. The School Business Director can also be requested to keep specific information confidential.

A request to see personal information held on an individual represents a 'subject access request'. Any such request must be made in writing to the School Business Director.

The School Business Director can be contacted via email at [sbd@swps.org.uk](mailto:sbd@swps.org.uk), by telephone on 01932 574 900 or in writing to the School's address.

### **Further information**

If you have any concerns about how the School uses personal information, you can contact the Information Commissioner at:

Information Commissioner's Officer  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Tel: 01625 545 745 Fax: 01625 524 510  
[www.ico.org.uk](http://www.ico.org.uk)