



## Privacy Notice for pupil information (primary)

September 2023

### 1. Introduction

Under UK data protection law, individuals have a right to be informed about how an academy/the trust uses any personal data that we hold about them. 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 in our academies**.

The trust, **University of Brighton Academies Trust, The Burgess Hill Academy, Station Road, Burgess Hill, West Sussex, RH15 9EA tel: 01273 082005**, is the 'data controller' for the purposes of UK data protection law.

Our data protection officer is **Kathryn Smith**, Director of Governance and Admissions.

### 2. The personal data we hold

- Personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- Characteristics (such as ethnicity, language, and free school meal eligibility)
- Safeguarding information (such as court orders and professional involvement)
- Special educational needs (including the needs and ranking)
- Medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- Attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- Examination results, assessment and attainment (from EYFS, Key Stage 1 and Key Stage 2)
- Behavioural information (such as exclusions and any relevant alternative provision put in place)
- Details of any support received (such as care packages, financial support, plans and support providers)
- Photographs
- CCTV images captured in the academy
- Information used to allow access to, and record usage of, the catering provision in the academy
- Information relating to trips and activities

We may also hold data about pupils that we have received from other organisations,

including other schools, local authorities and the Department for Education.

### **3. Why we use this data**

We collect and use pupil information, for the following purposes:

- To support pupil learning
- To monitor and report on pupil attainment and progress
- To provide appropriate pastoral care
- To assess the quality of our services
- To keep children safe and protect pupil welfare (e.g. food allergies or emergency contact details)
- To meet the statutory duties placed upon us for DfE data collections
- To administer admissions waiting lists
- To carry out research
- To comply with the law regarding data sharing

### **4. Use of your personal data for marketing purposes**

Where you have given us consent to do so, we may send you marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to you.

You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

### **5. Use of your personal data in automated decision-making and profiling**

We do not currently process any pupil's 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.

### **6. Our lawful basis for using this data**

Under the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing pupil information are:

- We need to comply with a legal obligation
- We need it to perform an official task in the public interest
- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

In addition, concerning any special category data, we rely on the following bases for processing pupil information:

- We have your explicit consent
- When required for reasons of substantial public interest
- When required to ensure health and safety on the academy site

Where you have provided us with consent to use your data, you 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.

## **7. 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 UK data protection law:

- We have got 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 are 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 is 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 is 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 UK data protection law. Conditions include:

- We have got 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 are 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

## **8. Collecting this data**

We collect pupil information via a range of sources - including, but not limited to, Common Transfer Files from a previous school, registration forms, data collection forms completed by parents/carers and other sources.

While the majority of information we collect about you 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 you will come from you, but we may also hold data about you from:

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

## **9. How we store this data**

We keep personal information about you during the pupil's time in our academy. We may also keep it beyond this if this is necessary. Our Trust [Retention policy and schedule](#) sets out how long we keep information about pupils.

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

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

## **10. Who we share data with**

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

We routinely share pupil information with:

- Schools that the pupils attend after leaving us
- Youth support services (pupils aged 13+)
- Other institutions within our multi-academy trust - in order to be able to support pupils' education and career pathway
- The relevant local authority - to meet our legal duties to share certain information with it, such as
- concerns about students' safety and exclusions
- The Department for Education (a government department) - to meet statutory

obligations to provide them with information, especially with regard to data returns such as census

- The pupil's family and representatives - in case of emergencies such as a health matter and as necessary in the performance of our education function
- Educators and examining bodies - as necessary in the performance of our education function
- Our regulator, Ofsted - to enable it to evaluate the education we provide, which is in the public interest
- Suppliers and service providers - so that they can provide the services we have contracted them for
- Financial organisations - so that they can provide the services we have contracted them for
- Central and local government - to meet statutory obligations and legal duties to provide them with information
- Our auditors - to demonstrate that we have taken appropriate action in providing your child's education
- Health authorities - to comply with our legal and statutory obligations, with investigations and to support legal entitlements
- Security organisations - with regard to legal or safeguarding investigations and to assist in crime prevention, detection and prevention of fraud
- Health and social welfare organisations - to enable us to comply with our duty of care and
- statutory safeguarding duties for your child's wellbeing
- Professional advisers and consultants - to comply with entitlements and assist with claims
- Police forces, courts, tribunals - in order to uphold law and order
- Professional bodies - to verify information for legal purposes

## **11. Department for Education**

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our pupils with the Department for Education (DfE) either directly or via the relevant local authority for the purpose of those data collections, under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by the DfE under a combination of software and hardware controls which meet the current [government security policy framework](#).

For more information, please see 'How Government uses your data' section.

## **12. Transferring data internationally**

Where we transfer your personal data to a third-party country or territory, we will do so in accordance with UK data protection law.

In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

## **13. Your rights**

### **How to access personal information 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 (subject to any exemptions that may 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 personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please complete the Subject Access Request section on the Trust's [website](#) or contact us (see 'Contact us' below).

## **14. Your other rights regarding your data**

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

- Object to our use of your personal data
- Prevent your data being used to send direct marketing
- Object to, and challenge the use of, your 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 you deleted or destroyed, or restrict its processing

- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your personal data for a specific purpose
- 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).

## 15. 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

## 16. Contact us

Our data protection officer is **Kathryn Smith**, Director of Governance and Admissions

However, our trust has a data protection manager who has day-to-day responsibility for data protection issues in the Trust.

If you have any questions or concerns, or would like more information about anything mentioned in this privacy notice, please contact them: **Naana Ofori, Data Protection Manager**, [privacy@brightonacademiestrust.org.uk](mailto:privacy@brightonacademiestrust.org.uk)

## How Government uses your data

The pupil data that we lawfully share with the DfE through data collections:

- Underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school
- Informs 'short term' education policy monitoring and school accountability and
- intervention (for example, school GCSE results or Pupil Progress measures)
- Supports 'longer term' research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

## 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>.

## The National Pupil Database (NPD)

Much of the data about pupils in England goes on to be held in 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.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

## Sharing by the Department

The law allows the Department to share pupils' personal data with certain third parties, including:

- Schools and local authorities
- Researchers
- Organisations connected with promoting the education or wellbeing of children in England
- Other government departments and agencies
- Organisations fighting or identifying crime

For more information about the Department for Education's (DfE) NPD data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>.

Organisations fighting or identifying crime may use their legal powers to contact the DfE to



request access to individual level information relevant to detecting that crime.

For information about which organisations the Department has provided pupil information (and for which project), or to access a monthly breakdown of data share volumes with the Home Office and the Police please visit the following website:

<https://www.gov.uk/government/publications/dfe-external-data-shares>.

### **How to find out what personal information DfE hold about you**

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department:

- If they are processing your personal data
- For a description of the data they hold about you
- The reasons they are holding it and any recipient it may be disclosed to
- For a copy of your personal data and any details of its source

If you want to see the personal data held about you by the DfE, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>.

To contact the DfE: <https://www.gov.uk/contact-dfe>.