

Ashfield Valley Primary School

Privacy Notice (How we use pupil information)

The categories of pupil information that we collect, hold and share include:

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as predicted grades based on performance to date)
- Any relevant medical information (such as asthma etc)
- Any special educational needs information (SEN) (such as ASD, hearing impairment etc)
- Any behavioural information (such as exclusions)

Why we collect and use this information

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing

The lawful basis on which we use this information

We collect and use pupil information under [Article 6 of the General Data Protection Regulation \(GDPR\)](#), and at least one of the following conditions would apply whenever we process personal data:

- Consent:** the individual has given clear consent for us to process their personal data for a specific purpose
- Contract:** the processing is necessary for a contract we have with the individual, or because they have us to take specific steps before entering into a contract
- Legal Obligation:** the processing is necessary for us to comply with the law (not including contractual obligations)
- Vital interests:** the processing is necessary to protect someone's life
- Public Task:** the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.
- Legitimate Interest:** the processing necessary for our legitimate interests or the legitimate interest of a third party unless there is good reason to protect the individual's personal data which overrides those legitimate interests. This cannot

apply as we are a public authority when processing data to perform our official tasks.
As a public authority we will rely on official functions (e).

Where we are processing **special category data**, set out in Article 9 of GDPR, **as well as** one of the six lawful basis for processing, we will ensure that a **condition for processing** from the following list applies:

- a) **the data subject has given explicit consent** to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject.
- b) processing is necessary for the purposes of **carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law** in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.
- c) **processing is necessary to protect the vital interests of the data subject or of another natural person** where the data subject is physically or legally incapable of giving consent.
- d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects.
- e) processing relates to personal data which are manifestly made public by the data subject.
- f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.
- g) **processing is necessary for reasons of substantial public interest**, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.
- h) processing is necessary for the **purposes of preventive or occupational medicine**, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3.
- i) processing is necessary for **reasons of public interest in the area of public health**, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.
- j) processing is necessary for **archiving purposes in the public interest, scientific or historical research purposes or statistical purposes** in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Schools will also need to know and rely upon the additional conditions for processing special category in Schedule One of the Data Protection Bill, when finalised. **perform our official tasks.**

Collecting pupil information

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

Storing pupil data

We hold pupil data for **periods of time**:

Admission Registers – Last entry in file + 6yrs

Attendance Registers – 3yrs

Pupil Files Retained in School – Transfer to secondary school when child leaves or other primary school.

Special Educational Needs Files, Reviews and Individual Education Plans – DOB + 25yrs minimum

Absence Correspondence - 2yrs

Examination Results – Public current year +6yrs, internal – current year + 5yrs

Any other record created in the course of contact with pupils – current year + 3yrs

Statement maintained under The Education Act 1996 – section 324 – DOB + 30yrs

Proposed Statement or amended statement – DOB + 30yrs

Advice and information to parents regarding educational needs – closure + 12yrs

Accessibility Strategy - closure + 12yrs

Parental Permissions slips for school trips (Without major incident) – conclusion of trip

Parental Permissions slips for school trips (With major incident) – DOB + 25yrs

Records created by school to obtain approval to run an Educational Visit Classroom – Date of visit + 14yrs

Who we share pupil information with

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)
- Academy Chains, federations or Multi Academy Trusts MATs)
- School nurse
- NHS

Why we share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring..

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)

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.

We are required by law, to provide information about our pupils 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
- 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

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact **Steven Sladen, School Business Manager, Ashfield Valley Primary School, New Barn Lane, ROCHDALE, OL11 1TA, Telephone number 01706 522758 or The Data Protection Officer, Rochdale MBC, Number One Riverside, Smith Street, ROCHDALE, OL16 9NP, Telephone number 01706 647474**

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 purpose 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 have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact

If you would like to discuss anything in this privacy notice, please contact:

Steven Sladen, School Business Manager, Ashfield Valley Primary School, New Barn Lane, ROCHDALE, OL11 1TA, Telephone number 01706 522758 or The Data Protection Officer, Rochdale MBC, Number One Riverside, Smith Street, ROCHDALE, OL16 9NP, Telephone number 01706 647474