

**Privacy Notice (How we use children in need and looked after children information)**

Under data protection law, individuals have a right to be informed about how the school 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**.

We, Albany Learning Trust, are the 'data controller' for the purposes of data protection law. The Trust Data Protection Officer is Gill Smith.

**The categories of this information that we collect, process, hold and share include:**

- personal information (such as name, date of birth and address)
- characteristics (such as gender, ethnicity and disability)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- SEN information
- Multi-Agency involvement information
- Relevant medical information
- National Curriculum Assessments/results
- Individual Assessment Data
- Exclusion / Behaviour Information
- School they attend after they leave us
- CCTV/photographs
- Information relating to episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information)
- Episodes of being looked after (such as important dates, information on placements)
- Outcomes for looked after children (such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending)
- Adoptions (such as dates of key court orders and decisions)
- Care leavers (such as their activity and what type of accommodation they have)
- We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

**Why we collect and use this information**

We collect and hold personal information relating to our pupils and may also receive information about them from their previous school, local authority and/or the Department for Education (DfE).

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
- to protect pupil welfare

**The lawful basis on which we use this information**

## Albany Learning Trust

*-Developing World Class Schools*

Albany Learning Trust holds the legal right to collect and use personal data relating to pupils and their families, and we may also receive information regarding them from their previous school, LA and/or the DfE. We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK law, including those in relation to the following:

- Article 6 of the GDPR
  - (a) Consent, (c) Legal obligation, (d) Vital interests, (e) Public task
- Article 9 of the GDPR
  - Condition A
- Education Act 1996
- Section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013

Less commonly, we may also process pupils' personal data in situations where we have obtained consent to use it in a certain way. Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

### **Collecting this information**

Whilst the majority of children looked after information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the data protection legislation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

### **Storing this information**

Personal data relating to pupils at Albany Learning Trust and their families is stored in line with the Trust's GDPR Data Protection Policy.

In accordance with the GDPR, the school does not store personal data indefinitely; data is only stored for as long as is necessary to complete the task the data was collected for originally. Our Information Management Policy sets out how long we keep information about pupils. A copy of this policy is available on request from the School Office/on the school website at [www.cnr.bolton.sch.uk](http://www.cnr.bolton.sch.uk).

### **Who we share this information with**

We do not share information about our pupils with anyone 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 pupils with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)
- School to school networks

## Albany Learning Trust

*-Developing World Class Schools*

- Relevant NHS staff including school nurse, Physiotherapists, SALT, Occupational Therapists, Audiology, Deaf CAMHS, Cochlear Implant Teams etc
- Police forces, courts, tribunals

### **Why we share this information**

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.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information about Individual Pupils) (England) Regulations 2013.

### **Data collection requirements**

To find out more about the data collection requirements placed on us by the Department for Education go to:

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Children looked after: <https://www.gov.uk/guidance/children-looked-after-return>

Children in need: <https://www.gov.uk/guidance/children-in-need-census>

### **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

## Albany Learning Trust

*-Developing World Class Schools*

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
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

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

### **Transferring data internationally**

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

### **Parents and students' rights regarding personal data**

#### **How to access personal information we hold about you**

Individuals have a right to make a '**Subject Access Request**' to gain access to personal information that the school holds about them.

If you make a Subject Access Request, and if we do hold information about you, we will:

- 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 contact our Data Protection Officer or School office. You are entitled to submit Subject Access Requests all year round, but please bear in mind that it may be necessary

## Albany Learning Trust

*-Developing World Class Schools*

for us to extend the response period when requests are submitted over the summer holidays. This is in accordance with article 12(3) of the GDPR, and will be the case where the request is complex – for example, where we need multiple staff to collect the data.

### **Other rights**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

### **Legal Basis**

The lawful bases for processing are set out in Article 6 of the GDPR. At least one of these must apply whenever you process personal data:

- a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
- b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
- d) Vital interests: the processing is necessary to protect someone's life.
- e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

### **Special Category Data**

GDPR identifies that some information is particularly sensitive and therefore needs extra protection:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Health
- Sexual life or orientation
- Genetic data (e.g. blood samples DNA)
- Biometric data to identify an individual (e.g. finger-prints, iris recognition)
- Financial information

### **Special Category Conditions**

## Albany Learning Trust

*-Developing World Class Schools*

Article 9 of sets out the special category conditions. If you are processing special category data you need to meet a special category condition in addition to the legal basis identified above:

- The data subject has given explicit consent
- Necessary to protect the vital interests where the data subject is physically or legally incapable of giving consent
- The data has been made publically available by the data subject
- Processing is carried out by a foundation or not-for-profit body in the course of its legitimate activities
- Necessary to process legal claims
- Necessary for archiving statistical or historical research which is in the public interest
- Necessary for reasons of substantial public interest on the basis of UK law which shall be proportionate to the aim pursued

### **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, we request that you raise your concern with us in the first instance.

Alternatively, you can contact the Information Commissioner's Office:

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

### **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**.

### **Contact details**

**Data Protection Officer**  
**Mrs Gill Smith**  
gill@mindography.co.uk

**Head Teacher**  
**Mrs Linda Burrows**  
office@cnr.bolton.sch.uk