



Pendle Education Trust

Policy/Procedure/Guideline Review

Policy/Procedure/Guideline:	Privacy notice for pupils
Senior Manager Responsible:	Data Protection Officer
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Contents

1. Introduction	3
2. The personal data we hold	3
3. Why we use this data.....	3
4. Our lawful basis for using this data.....	4
5. Collecting this data	5
6. How we store this data	5
7. Who we share data with	6
8. Your rights	7
9. Complaints.....	8
10. Contact us.....	9

This privacy notice is written in more child-friendly language, so it should be easier for pupils to understand. It's for pupils capable of understanding and exercising their rights over their own data (generally considered to be age 12, but this is considered on a case-by-case basis).. Use the **privacy notice for parents – use of your child's personal data** if you have children you don't consider capable of this, either alongside or instead of this notice.

1. Introduction

You have a legal right to be informed about how our school uses any personal information that we hold about you. To comply with this, we provide a 'privacy notice' to you where we are processing your personal data. This notice explains how we collect, store and use personal data about **pupils at our school**, like you.

Our trust, Pendle Education Trust, is the 'data controller' for the purposes of UK data protection law. Our data protection officer is Val Townsend (see 'Contact us' below).

2. The personal data we hold

We hold some personal information about you to make sure we can help you learn and look after you at school.

For the same reasons, we get information about you from some other places too – like other schools, the local council and the government.

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

- Your contact details
- Your test results
- Your attendance records
- Details of any behaviour issues or exclusions
- Information about how you use school computers and other IT and communications systems

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

- Information about your characteristics, like your ethnic background or any special educational needs
- Information about any medical conditions you have
- Photographs and CCTV images

We may also hold data about you that we have received from other organisations, including other schools and local authorities.

3. Why we use this data

We use the data listed above to:

- a) Get in touch with you and your parents when we need to
- b) Check how you're doing in exams and work out whether you or your teachers need any extra help
- c) Track how well the school as a whole is performing
- d) Look after your wellbeing
- e) Make sure our computers and other school systems and equipment are used appropriately, legally and safely
- f) Answer your questions and complaints
- g) Publish statistics, for example, about the number of pupils or learners in schools
- h) Meet legal requirements placed upon us

We will only use your personal information for the purposes for which we have collected it, unless we reasonably consider that we need to use it for any other reason and that reason is incompatible with the

original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and explain the legal basis that allows us to do so.

Please note that we may process your personal information without your knowledge or consent in compliance with the above rules where this is required or permitted by law.

3.1 Use of your personal 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 personal data in automated decision making and profiling

We don't currently put your personal information through any automated decision making or profiling process. This means we don't make decisions about you using only computers without any human involvement. If this changes in the future, we will update this notice in order to explain the processing to you, including your right to object to it.

3.3 Use of your personal data for filtering and monitoring purposes

While you're in school, we may monitor what material you access on our computers and other IT and communication systems. We do this so that we can:

- Comply with health and safety law and other laws
- Comply with our policies (e.g. child protection policy, IT acceptable use policy)
- Keep our network(s) and devices safe from people who aren't allowed to access them, and prevent harmful software from damaging our network(s)
- Protect your welfare

4. Our lawful basis for using this data

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

Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

Contract: the processing is necessary for a contract, or because they have asked you to take specific steps before entering into a contract.

Legal obligation: the processing is necessary 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 to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

Legitimate interests: the processing is necessary 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.

Where you've provided us with consent to use your information, you may take back this consent at any time.

We'll make this clear when requesting your consent and explain how you'd go about withdrawing consent if you want to.

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 UK data protection law:

- We have obtained 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're 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's 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's 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 obtained 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're 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

5. Collecting this data

While most of the information we collect about you is mandatory, there is some information that can be provided voluntarily.

Whenever we want to collect information from you, we make it clear if you have to give us this information (and if so, what the possible consequences are of not doing that), or if 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 councils
- Government departments or agencies
- Police forces, courts, tribunals
- Other schools or trusts
- Department for Education (DfE)

6. How we store this data

We keep personal information about you while you're attending our school. We may also keep it beyond your attendance at our school if this is necessary to comply with our legal obligations or to meet our regulatory requirements.

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

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

7. Who we share data with

We don't share information about you with any third party without your consent unless the law and our policies allow us to do so.

Where it's legally required, or necessary (and it complies with UK data protection law), we may share personal information about you with:

- Our local authority, Lancashire – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions
- Government departments or agencies
- Academies/schools that you attend after leaving us
- Post 16 providers during transition from Key Stage 4 to Key Stage 5
- Our youth support services provider
- Our regulator, Ofsted
- Suppliers and service providers: such as catering, filtering and monitoring
- 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

7.1 Sharing data with the Department for Education (DfE)

We have to share information about you with the Department for Education (a government department) either directly or via our local authority, via various statutory data collections.

The data shared will be in line with the following legislation:

- Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013

The data is transferred securely and held by the Department for Education under a combination of software and hardware controls that meet the current government security policy framework.

The data we share about you with the Department for Education is used for a number of different purposes, including to:

- Help decide the amount of money that our school receives
- Monitor how well the education system is working and how well our school is doing in terms of educating our pupils
- Support research

The information shared with the Department for Education about you could include:

- Your name and address
- Your unique pupil number

- Pupil matching reference numbers
- Details of your gender or ethnicity
- Details of any special educational needs (SEN)
- Details of schools attended
- Absence and exclusion information
- Information relating to exam results
- Information relating to any contact with children's services
- What you have done since finishing school

Please note: this list is not exhaustive.

Once pupils in our schools reach the age of 13, we are legally required to pass on certain information to the local authority or youth services provider, which has responsibilities regarding the education or training of 13 to 19 year olds under section 507B of the Education Act 1996. Parents/carers, or pupils if aged 16 or over, can request that only their name, address and date of birth be passed to these agencies by informing the data protection officer (DPO).

National Pupil Database (NPD)

We have to provide information about you to the Department for Education as part of data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](#), which is managed by the Department for Education and provides evidence on how schools are performing. This, in turn, supports research.

The database is held electronically so it can easily be turned into statistics. The information it holds is collected securely from schools, local authorities, exam boards and others.

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

7.2 Transferring data internationally

We may share personal information about you with the following international third parties, where different data protection legislation applies such as:

- App or cloud server providers

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.

8. Your rights

8.1 How to access personal information that 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 (unless there's a really good reason why we shouldn't):

- Give you a description of it

- Tell you why we are holding and using 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 (decisions made by a computer or machine, rather than by a person), and any consequences of this
- Give you a copy of the information in an understandable form

You may also have the right for your personal information to be shared with another organisation in certain circumstances.

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

8.2 Your other rights regarding your data

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

- Say that you don't want your personal information to be used
- Stop it being used to send you marketing materials
- Say that you don't want it to be used for automated decisions (decisions made by a computer or machine, rather than by a person)
- In some cases, have it corrected if it's inaccurate
- In some cases, have it deleted or destroyed, or restrict its use
- Withdraw your consent, where you previously provided consent for your personal information to be collected, processed and transferred for a particular reason
- In some cases, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation if the data protection rules are broken and this harms you in some way

We may refuse your information rights request for legitimate reasons, which depend on why we're processing it. Some rights may not apply in these circumstances:

- Your right to have all personal data deleted or destroyed doesn't apply when the lawful basis for processing is legal obligation or public task
- Your right to receive a copy of your personal data, or have your personal data transmitted to another controller, does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests
- Right to object to the use of your private data doesn't apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don't have the right to object, but you have the right to withdraw consent

See information on types of lawful basis in section 4 of this privacy notice.

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

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 concerns about our data processing, please let us know first. You can make a complaint to us at any time. To exercise right, please contact us (see 'Contact us' below). Our Data Protection Complaints Procedure is included in our Data Protection Policy.

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**:

Val Townsend
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