



How We Use Your Child's Information Privacy Notice for Younger Pupils

(Primary phase: Up to and including Year 6)

E-ACT

April 2018



Pupil Privacy Notice for younger pupils (Year 6 and below)

Introduction

This notice is to help you understand **how** and **why** we collect your child's personal information and **what** we do with that information. It also explains the decisions that you can make about your child's information.

The Academy is part of E-ACT (the **Trust**). The Trust operates the Academy and is ultimately responsible for how the Academy handles personal information about your child.

We are giving you this notice because you are able to exercise your child's data protection rights on their behalf. When your child is older (usually when they reach the age of 12) they will be considered mature enough to exercise their own data protection rights.

If you have any questions about this notice please talk to the Data Protection Officer.

What is "personal information"?

Personal information is information that the Academy holds about your child and which identifies your child.

This includes information such as their date of birth and address as well as things like exam results, medical details, unique pupil number and behaviour records. We will also hold information such as your child's religion or ethnic group for the purposes of providing necessary information to the Department for Education and to meet any dietary requirements that you may have. CCTV, photos and video recordings of your child are also personal information.

Our legal bases for using your child's information

This section contains information about the legal bases that we are relying on when handling your child's information.

The two tables below contain a general description of the different legal bases but we have also used a colour code system so that you can see which bases we are relying on for each of the purposes described at paragraphs 1 to 36 below.

Legal obligation ("LO")

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

Vital interests ("VI")



In limited circumstances we may use your child's information to protect their vital interests or the vital interests of someone else (e.g. if they are seriously hurt).

Performance of a task carried out in the public interest ("PI")

This applies where what we are doing is for the benefit of the public generally. The following are examples of where this applies:

- providing your child and others with an education;
- safeguarding and promoting your child's welfare and the welfare of your child's classmates;
- facilitating the efficient operation of the Academy; and
- ensuring that we comply with all of our legal obligations.

Legitimate interests ("LI")

This means that the Academy is using your child's information when this is necessary for the Academy's legitimate interests except when your child's interests and fundamental rights override our legitimate interests. We won't rely on this basis when your child's interests and fundamental rights override our legitimate interests.

We have a legitimate interest in using your child's information to:

- i. promote the Academy including fundraising and publicity;
- i. preserve historical Academy records.

The Academy must also comply with an additional condition where it processes special categories of personal information. These special categories include: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, and information about sex life or orientation.

Substantial public interest ("SPI")

The Academy is allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "public interest" in the table above. For example, the Academy will use information about your child's health to look after them. We may also use other types of special category personal data about your child to provide them with an education, to look after your child and their classmates or when the Academy is inspected

Social protection and social security law ("ESP")

There will be times when the Academy needs to use your child's information because we are an employer (e.g. we employ your child's teachers). Also the Academy will use your child's information to comply with social protection law (e.g. to look after them) and social security laws (e.g. to provide your child with free school lunches if they are entitled to these). Social protection

law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.

Vital interests

In limited circumstances we may use your child's information to protect their vital interests or the vital interests of someone else (e.g. if they are seriously hurt).

Legal claims ("LC")

We are allowed to use your child's information if this is necessary in relation to legal claims. For example, this allows us to share information with our legal advisors and insurers. This applies whenever sharing special category data is necessary in relation to legal claims.

Medical purposes("MP")

This includes medical treatment and the management of healthcare services.

How and why does the Academy collect and use your child's personal information?

We set out below examples of the different ways in which we use personal information and where this personal information comes from.

1. Our primary reason for using your child's information is to provide your child with an education - LO, PI, SPI.
2. The Trust will also use your child's personal information to safeguard and promote your child's welfare and the welfare of others (for example, so that we can look after your child if they are hurt) - LO, PI, SPI, ESP, MP.

The admissions forms which you complete give us personal information about your child. We get information from your child, his / her teachers and other pupils. Your child's old school also gives us information about your child if we need this to teach and care for them.

Sometimes we get information from your child's doctor and other professionals where we need this to look after your child.

3. We will use information about your child during the admissions process e.g. when taking information about your child before they join the academy trust. We may let your child's previous school know if they have been offered a place at the Academy - LO, PI, SPI.
4. We need to tell all appropriate members of staff if your child has a health issue - LO, PI, SPI.
5. If we have information that your child suffers from an allergy we will use this information so that we can look after your child - PI, SPI, VI, MP.
6. We will tell your child's teachers if he or she has special educational needs or requires extra help with some tasks - LO, PI, SPI.

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7. We will need to share information about your child (e.g. about their health and wellbeing) with the Academy nurse or counsellor - **LO, PI, SPI, ESP, MP**.
8. If we have information that your child suffers from a disability we will use information about that disability to provide support - **PI, SPI, ESP** and in certain circumstances, **MP**.
9. Where appropriate, the Academy will have information about your religious beliefs and practices. For example, if your child does not eat certain foods - **LO, PI, SPI**.
10. We use CCTV to make sure the Academy site is safe. CCTV is not used in private areas such as changing rooms - **LO, PI, SPI**.
11. We will be told if your child is eligible to receive free school meals so that we can provide these - **LO, PI, SPI**.
12. We record your child's attendance and if he or she has time away from the Academy we record the reason(s) why - **LO, PI, SPI**.
13. We will need to report some of your child's information to the government (e.g. the Department for Education). We will need to tell the local authority that your child attends the Academy, if they leave the Academy or let them know if we have any concerns about your child's welfare - **LO, PI, SPI, ESP**.
14. We are legally required to provide the Department for Education with certain information about your child. Some of this information will be stored on the National Pupil Database. Organisations can request information from the National Pupil Database which includes information about your child. But they are only allowed to do this for limited purposes and they must be very careful about how they use your child's information. More information can be found here - <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information> - **LO, PI, SPI**
15. We may need to share information about your child with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the Academy - **LO, PI, SPI**.
16. When we are inspected by Ofsted we will have to make your child's information available to the inspectors to assist them with their inspection - **LO, PI, SPI**.
17. If the Academy receives a complaint or grievance which involves your child we will need to use their information to deal with this appropriately. For example, if you make a complaint or if another parent complains about an issue which involves your child - **LO, PI, SPI**.
18. We will need information about any court orders or criminal petitions which relate to your child. This is so that we can safeguard your child's welfare and wellbeing and the other pupils at the Academy - **LO, PI, SPI**.
19. Depending on where your child will go when they leave us we will provide their information to other schools. For example, we will share information about your child's exam results and provide references - **LO, PI, SPI**.

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20. If your child has a safeguarding file, we are legally required to pass this file to their next school - **LO, PI, SPI, ESP**.
21. If your child takes public examinations we will need to share information about them with examination boards. For example, if your child requires extra time in exams - **LO, PI, SPI**.
22. We may need to share information with the police or our legal advisers if something goes wrong or to help with an enquiry. For example, if one of your child's classmates is injured at the Academy or if there is a burglary - **LO, PI, SPI, LC**.
23. We use consultants, experts and other advisors to assist the Academy in fulfilling its obligations and to help run the Academy properly. We will share your child's information with them if this is relevant to their work - **LO, PI, SPI**.
24. If your child has misbehaved in a serious way, and the police have become involved, we will need to use information about the action taken by the police - **LO, PI, SPI**.
25. We may share some information with our insurance company to make sure that we have the insurance cover that we need - **LO, PI, SPI, LC**.
26. If your child has misbehaved in a serious way, we may need to share information with the police and we may need to use information about the action taken by the police - **LO, PI, SPI, ESP**.
27. We may use your child's information when responding to an incident, for example, if something is published on social media which concerns the Academy - **PI, LI**.
28. We will share your child's academic and (where fair) their behaviour records with you/their education guardian so you can support their education - **LO, PI, SPI**.
29. We may monitor your child's use of email, the internet and mobile electronic devices e.g. iPads. This monitoring is sometimes carried out using computer software. This is to check that your child is not misbehaving when using this technology or putting themselves at risk of harm. If you would like more information about this you can speak to your child's form teacher - **LO, PI, SPI**.
30. We may use information about you if we need this for historical research purposes. For example, if we consider the information might be useful if someone wanted to write an article about the Academy's students or alumni.- **LI**.
31. We may use photographs or videos of your child for the Academy's website and social media sites or prospectus to show prospective pupils what we do here and to advertise the Academy. We will continue to use these photographs and videos after your child has left the Academy - **LI**.
32. Sometimes we use photographs and videos for teaching purposes, for example, to record a drama lesson or as part of an art lesson - **LI**.
33. If you have any concerns about us using photographs or videos of your child, please speak to your child's form tutor.

34. We publish our public exam results, sports fixtures and other news on the website and put articles and photographs in the local news to tell people about what we have been doing - **LI**.
35. We will keep details of your address when you leave so we can send you any alumni communication and find out how you are getting on. We may also pass your details onto any alumni organisation which the Academy introduces. - **LI**.
36. The Academy must make sure that our computer network is working well and is secure. This may involve information about you, for example, our anti-virus software might scan files containing information about you - **LO, PI, SPI**.

We will only share your child's information with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.

We sometimes use contractors to handle personal information on our behalf. The following are examples:

- External IT contractors who might access information about your child when checking the security of our IT network; and
- We use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the Academy site.

If you have any questions about the above, please speak to your form tutor.

Criminal offence information

In exceptional circumstances, we may use information about criminal convictions or offences. We will only do this where the law allows us to. This will usually be where such processing is necessary to carry out our obligations and to look after our pupils.

More than one basis

As you will see from the information above, in some cases we will rely on more than one basis for a particular use of your child's information. In addition, we may move from one of the legal bases listed above to another as circumstances change. For example, as a safeguarding matter becomes more serious, we may start to rely on legal obligation to share personal information with the local authority in addition to the other legal bases which are noted for safeguarding purposes.

Consent

We may ask for your consent to use your child's information in certain ways as an alternative to relying on any of the bases in the table above. For example, we may ask for your consent before taking or using some photographs and videos if the photograph or video is more intrusive and we cannot rely on our legitimate interests or it being in the public interest. In addition, we will rely on consent for



the use of your child's biometric information. If we ask for your consent to use your child's personal information you can take back this consent at any time.

Any use of your child's information before you withdraw your consent remains valid. Please speak to your child's form teacher if you would like to withdraw any consent given.

Sending information to other countries

We may send your child's information to countries which do not have the same level of protection for personal information as there is in the UK. For example, we may:

- share your information with the relevant authorities for an overseas school trip

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm

If the country that we are sending your child's information to is not on the list, or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might not have the same level of protection for personal information as there is in the UK.

We will provide you with details about the safeguards which we have in place outside of this privacy notice. If you have any questions about the safeguards that are in place please contact the Data Protection Officer.

For how long do we keep your child's information?

We keep your child's information for as long as we need to in order to educate and look after them. We will keep certain information after your child has left the Academy, for example, so that we can find out what happened if you make a complaint.

In exceptional circumstances we may keep your child's information for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

Please see our Information and Records Retention Policy for more detailed information. This can be found on our website here <http://www.e-act.org.uk/e-act-policies>

What decisions can you make about your child's information?

From May 2018 you will be able to make various decisions about your child's information. Some of these are new rights whilst others build on your child's existing rights. Your child's rights are as follows:

- **Rectification:** if information about your child is incorrect you can ask us to correct it.
- **Access:** you can also ask what information we hold about your child and be provided with a copy. This is commonly known as making a subject access request. We will also give you extra

information, such as why we use this information about your child, where it came from and what types of people we have sent it to.

- **Deletion:** you can ask us to delete the information that we hold about your child in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your child's information to you or to a third party in a format that can be read by computer in certain circumstances.
- **Restriction:** our use of information about your child may be restricted to simply storing it in some cases. For example, if you tell us that the information is inaccurate we can only use it for limited purposes while we check its accuracy.
- **Object:** you may object to us using your child's information where:
 - we are using it for direct marketing purposes;
 - the legal ground on which we are relying is either legitimate interests or performance of a task carried out in the public interest. Please see the section "Our legal grounds for using your child's information" above;
 - we are using it for historical or scientific research purposes or archiving purposes. For example, we may keep photographs of your child's class for historical reasons.

The Data Protection Officer can give you more information about your child's data protection rights.

Further information and guidance

This notice is to explain how we look after your child's personal information. The Data Protection Officer can answer any questions which you might have.

Please speak to the Data Protection Officer if:

- you would like to exercise any of your child's rights listed above; or
- you would like us to update the information we hold about your child; or
- you would prefer that certain information is kept confidential.

If you consider that we have not acted properly when using your child's personal information you can contact the Information Commissioner's Office: ico.org.uk.