



Helping people living in extraordinary circumstances to live ordinary lives

Kingsley Learning Foundation Trust

Privacy Notice for Looked After Children (LAC) and Children In Need (CIN)

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The school uses various sources of pupil information to make improvements to the educational experience and achievements for existing and future pupils at the Trust.

1. The categories of personal information that we process include:

- Personal information (such as name, date of birth and address)
- Characteristics (such as gender, ethnicity and disability)
- 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)
- Medical information
- Special educational needs
- Behavioural and exclusions
- Multi-agency minutes
- Sibling information
- Assessment information
- Education/school history.

2. Why we collect and use this information

The school collects and holds personal information relating to pupils and may also receive information about them from their previous school, local authority and/or the Department for Education (DfE). We use this personal data to:

- Support our pupils' learning

- Monitor and report on their progress
- Provide appropriate pastoral care
- Assess and audit the quality of our services
- Protect public monies against fraud
- Comply with the law regarding data sharing
- Safeguard pupils.

Examples of information needed to fulfil the above may be kept about a pupil to monitor national curriculum assessment results, attendance information, exclusion information, where pupils go after they leave the school and personal characteristics such as their ethnic group, any special educational needs they may have as well as relevant medical information. *Photographs, achievements and statistical information may be used to benchmark the quality of the pupils experiences offered by the school.*

3. The lawful basis on which we use this information

On the 25th May 2018 the Data Protection Act 1998 will be replaced by the General Data Protection Regulation (GDPR). The condition for processing under the GDPR will be:

Article 6

(e) processing is necessary for the performance of a task carried out in the **public interest** or in the exercise of official authority vested in the controller;

Article 9(2)

(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;

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.
2. Paragraph 1 shall not apply if one of the following applies:
 - (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.

The Education (Information about Individual Pupils) (England) Regulations 2013 - Regulation 5 'Provision of information by non-maintained special schools and Academies to the Secretary of State' states 'Within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special school or an Academy (shall provide to the Secretary of State such of the information referred to in Schedule 1 and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.'

The Education Act 1996 - Section 537A – states that we provide individual pupil information as the relevant body such as the Department for Education.

Children's Act 1989 – Section 83 – places a duty on the Secretary of State or others to conduct research.

4. Collecting this 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. Children in need and children looked after information is essential for the local authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a

voluntary basis. In order to comply with UK GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this.

5. Storing personal data

We hold pupil data for the duration of time each the child remains a pupil of the school. We also hold data securely for the set amount of time shown in our data retention schedule.

6. Who we share this information with

We routinely share pupil information with:

- Schools that pupil's attend after leaving the school
- The Local Authority
- The Department for Education (DfE)
- NHS/school nurse
- Third party professional services, i.e. Social Services, Social Care Teams
- Multi Academy Trusts (MATs).

7. Why we share this information

We do not share information about our children in need or children looked after with anyone without consent unless the law and our policies allow us to do so.

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.

We are required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

8. The 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 children in need and children looked after with the Department for Education (DfE) for the purpose of those data collections, under:

We share children in need and children looked after data with the Department on a statutory basis, under Section 83 of 1989 Children's Act, Section 7 of the Young People's Act 2008 and also under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by 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.

9. Requesting access to your personal data

Under data protection legislation, guardians and pupils have the right to request access to information about them that we hold. To make a request for your personal information contact the Headteacher.

You also have the right to:

- To ask us for access to information about you that we hold
- To have your personal data rectified, if it is inaccurate or incomplete
- To request the deletion or removal of personal data where there is no compelling reason for its continued processing
- To restrict our processing of your personal data (i.e. permitting its storage but no further processing)

- To object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- Not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you.

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

10. Contact

If you would like to discuss anything in this privacy notice, please contact the Headteacher or Data Protection Controller (details below):

Ruth Hawker, Data Protection Officer, Plumsun Ltd, Almshouses, Great Brington, Northampton, NN7 4HY
Email: info@plumsun.com Tel: 0845 8622684

11. How Government uses your data

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

- Develop national policies
- Manage local authority performance
- Administer and allocate funding
- Identify and encourage good practice.

12. Data collection requirements

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

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

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

13. 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>

14. 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's 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 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 Home Office and the Police please visit the following website: <https://www.gov.uk/government/publications/dfе-external-data-shares>.

15. How to find out what personal information DfE holds about you

Under the terms of the Data Protection Act 2018, you're 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're 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 Department, 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 DfE: <https://www.gov.uk/contact-dfe>.