



Helping people living in extraordinary circumstances to live ordinary lives

# Kingsley Learning Foundation Trust

## Privacy Notice for Guardians

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### 1. Introduction

Kingsley Learning Foundation Trust (KLFT) is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about pupils, in accordance with the UK General Data Protection Regulation (UK GDPR), section 537A of the Education Act 1996 and section 83 of the Children Act 1989.

Following Brexit, Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relates to general personal data processing, powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

### 2. Who collects this information

KLFT is a 'data controller'. This means that we are responsible for deciding how we hold and use personal information about pupils and guardians.

### 3. Categories of pupil information we collect, process, hold and share

We may collect, store and use the following categories of personal information about pupils:

- Personal information such as name, pupil number, date of birth, gender and contact information

- Emergency contact and family lifestyle information such as names, relationship, phone numbers and email addresses
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance details (such as sessions attended, number of absences and reasons for absence)
- Performance and assessment information
- Behavioural information (including exclusions)
- Special educational needs information
- Relevant medical information
- Special categories of personal data (including biometric data, ethnicity, relevant medical information, special educational needs information)
- Images of pupils engaging in school activities, and images captured by the Academy's CCTV system (if applicable)
- Information about the use of our IT, communications and other systems, and other monitoring information
- Financial details related to school meals and or in connection with the (purchase of goods and or services from the school, such as trips, equipment and school uniform).

#### **4. Collecting this information**

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the UK 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. It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

#### **5. How we use your personal information**

We hold pupil data and use it for:

- Pupil selection (and to confirm the identity of prospective pupils and their guardians)
- Providing education services and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs
- Informing decisions such as the funding of schools
- Assessing performance and to set targets for schools
- Safeguarding pupils' welfare and providing appropriate pastoral (and medical where necessary)
- Support teaching and learning
- Giving and receiving information and references about past, current and prospective pupils, and to provide references to potential employers of past pupils
- Managing internal policy and procedure
- Enabling pupils to take part in assessments, to publish the results of examinations and to record pupil achievements
- To carry out statistical analysis for diversity purposes
- Legal and regulatory purposes (for example, child protection, diversity monitoring and health and safety) and to comply with legal obligations and duties of care
- Enabling relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate
- Monitoring use of the school's IT and communications systems

- Making use of photographic images of pupils in school publications, on the school website and on social media channels
- Security purposes, including potentially CCTV
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school
- To provide support to pupils after they leave the school, with a career reference and or information for further education establishments.

## 6. The lawful basis on which we use this information

We will only use your information when the law allows us to. Most commonly, we will use your information in the following circumstances:

- Consent: the individual has given clear consent to process their personal data for a specific purpose
- Contract: the processing is necessary for a contract with the individual
- 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 official functions, and the task or function has a clear basis in law
- The Education Act 1996: for Departmental Censuses three times a year. More information can be found at: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

We need all the categories of information in the list above primarily to allow us to comply with legal obligations. Please note that we may process information without knowledge or consent, where this is required or permitted by law.

## 7. Sharing data

We may need to share your data with third parties where it is necessary. There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared unless it's the only way we can make sure you stay safe and healthy or we are legally required to do so.

We share pupil information with:

- The Department for Education (DfE) - on a statutory basis under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013
- Ofsted
- Academies within the Trust
- Other schools that pupils have attended/will attend
- NHS
- Welfare services (such as social services)
- Law enforcement officials such as police, HMRC
- Local Authority Designated Officer
- Professional advisors such as lawyers and consultants
- Support services (including insurance, IT, information security)
- Providers of learning software
- The Local Authority
- Youth support services – under section 507B of the Education Act 1996, to enable them to provide information regarding training and careers as part of the education or training of 13-19 year olds.

Information will be provided to those agencies securely or anonymised where possible. The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

## **8. Why we share this information**

We do not share information about our pupils with anyone without consent unless otherwise required by law. For example, we share pupil's data with the DfE on a statutory basis which underpins requirements for school funding and educational attainment.

## **9. Storing pupil data**

The Academy keeps information about pupils on computer systems and sometimes on paper. Except as required by law, the Academy only retains information about pupils for as long as necessary in accordance with timeframes imposed by law and our internal procedures.

If you require further information about our retention periods the Trust Chief Executive Officer can provide you with a copy of our procedure.

## **10. Automated decision making**

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision making in limited circumstances. Pupils will not be subject to automated decision-making, unless we have a lawful basis for doing so and we have notified you.

## **11. Retention periods**

Except as otherwise permitted or required by applicable law or regulation, the Academy only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes. Information about how we retain information can be found in our Data Protection policy.

## **12. Security**

We have put in place measures to protect the security of your information (for example, against it being accidentally lost, used or accessed in an unauthorised way).

## **13. Youth support services**

### **13.1. Pupils aged 13+**

Once our pupils reach the age of 13, we also pass pupil information to our local authority and/or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996. We must provide the pupils name, the guardians name(s) and any further information relevant to the support services role. This enables them to provide services as follows:

- Youth support services
- Careers advisers.

A guardian can request that only their child's name, address and date of birth be passed to their local authority or provider of youth support services by informing us. This right is transferred to the pupil once he/she reaches the age of 16.

### 13.2. Pupils aged 16+

We will also share certain information about pupils aged 16+ with our local authority and/or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996. This enables them to provide services as follows:

- Post-16 education and training providers
- Youth support services
- Careers advisers.

For more information about services for young people, please visit the local authority website.

## 14. The National Pupil Database

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 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
- 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

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

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

## **15. 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 education record, contact the Headteacher at the relevant school.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## **16. Right to withdraw consent**

In circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Trust Executive Finance Officer (EFO). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **17. Contact**

If you would like to discuss anything within this privacy notice or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with the Trust EFO, in the first instance.

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by the Trust EFO, please contact the DPO on the details below:

Data Protection Officer: Ruth Hawker, Data Protection Officer, Plumsun Ltd [www.plumsun.com](http://www.plumsun.com). You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues at <https://ico.org.uk/concerns>.

## **18. Changes to this privacy notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.