



Foreland Fields School Parent and Pupil Privacy Notice November 2023

Governing Body Approval and Categories

Date of Most Recent Scrutiny and Ratification	14 th November 2023
Date of Next Scrutiny and Ratification	14 th November 2024
Category of the Policy	GDPR
Named Lead for Writing the Policy	School Business Manager
Named Governor for Scrutiny	Chair of Governors
Approval Body	Strategy Team
Display on Main Web Site	Yes

Privacy Notice – explains what personal data (information) we hold about our pupils, how we collect, how we use and may share information about our pupils. We are required to give you this information under data protection law.

Who Are We?

Foreland Fields School collects, uses and is responsible for certain personal information about its pupils. When we do so we are regulated under the General Data Protection Regulation, which applies across the European Union (including in the United Kingdom) and we are responsible as 'data controller' of that personal information for the purposes of those laws. Our Data Protection Officer is Alan Martin, Data Protection Advice Ltd alan@dataprotectionadvice.co.uk.

Reasons We Can Collect and Use Your Child's Personal Information

We collect and use pupil information under section 537A of the Education Act 1996, section 83 of the Children Act 1989, and to carry out tasks in the public interest. If we need to collect special category (sensitive) personal information, we rely upon reasons of substantial public interest (equality of opportunity or treatment).

If there is processing or sharing that relies on parent/carers consent, we will make this clear to you and ensure we seek your consent.

Collecting pupil information

Whilst most of the pupil information you provide to us is mandatory, some of it is provided

to us on a voluntary basis. 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.

How We Use Your Child's Personal Information

We use the pupil data:

- To support pupil learning.
- To monitor and report on pupil progress.
- Moderate teacher assessment judgements.
- To provide appropriate pastoral and health care.
- To assess the quality of our services.
- To comply with the law regarding data sharing.
- To support you to decide what to do after you leave school, including post-16 education and training provision.
- Support or improve educational provision.
- Ensure no children are missing education.
- Support the primary, secondary and in-year admissions process.
- Safeguard children and young people and to protect our pupil welfare.
- Improve the education and services we provide.
- Carry out research.
- Comply with our legal and statutory obligations.
- Enable integrated working with other educational teams and organisations to ensure you receive the right support at the right time

Information That We Collect, Hold and Share Includes:

- A. Personal information (such as pupil name, unique pupil number and parent/carer name and contact details).
- B. Details of pupil's family circumstances.
- C. Pupil attendance information (such as sessions attended, number of absences and absence reasons).
- D. National Curriculum assessment results.
- E. Special educational needs information.
- F. Relevant therapy and medical information.
- G. Relevant safeguarding information that may relate to pupils and their families.

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

- H. Any health and/or behaviour conditions the pupil might have that we need to be aware of.
- I. Pupil premium eligibility (free school meals).
- J. Photographs and video.
- K. CCTV images captured in school.
- L. Ethnicity and religion, as part of our admission arrangements.
- M. Personal information, special category information, assessment results and SEN information from schools that you previously attended.
- N. Details of victims and perpetrators of bullying or racial incidents

We may also hold data that we have received from other organisations, Service support and involvement information from KCC teams working to improve outcomes for children and

young people (such as SEND, Early Help, Free School Meals, Admissions), Social Services and Therapists.

Use of Your Personal Data for Marketing Purposes

Where you have given us consent, we sometimes take photographs and videos of pupils.

We use these photos and videos:

- on the school's website.
- for training purposes for school staff and other professionals.
- for fund raising purposes (sharing images with charities who have donated to the school).
- for press releases, including online content.
- on display boards around the school.
- to record special events such as school plays and concerts.
- to advertise the school.
- to share with parents to celebrate achievement.

We ask for consent when the pupil starts school. You can withdraw your consent at any time by contacting the school office 01843 863891 or emailing foreland@foreland.kent.sch.uk

Use of Your Personal Data in Automated Decision Making and Profiling

Automated decision making and profiling is making decisions solely by automated means without any human involvement or evaluating certain things about an individual through those means

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices to explain the processing to you, including your right to object to it.

Our Lawful Basis for Using this Data

Our lawful bases for processing your/your child's personal data for the purposes listed above are as follows:

- For the purposes of A, B, C, D, E, F, H, I J and L in accordance with the 'public task' basis – we need to process data to fulfil our statutory function as a school as set out here:
<https://www.gov.uk/government/publications/statutory-policies-for-schools-and-academy-trusts/statutory-policies-for-schools-and-academy-trusts>
- For the purposes of 'H & N' in accordance with the 'legal obligation' basis – we need to process data to meet our responsibilities under law as set out here:
It is the school's **legal** duty to **safeguard** and promote the welfare of children and young people under the age of 18 in **schools** and colleges.
- For the purposes of J, in accordance with the 'consent' basis – we will obtain consent from you to use your/child's personal data.
We use photographs for marketing purposes i.e. school web page, display boards etc. However, the lawful bases for using photographs for assessments and identification purposes is in accordance with our duty to fulfil our 'public tasks'.
- For the purposes of E, F, and H, in accordance with the 'vital interests' basis – we will use this personal data in a life-or-death situation

Where you have provided us with consent to use you/your child's data, you may withdraw this consent at any time. We will make this clear when requesting your consent and explain how you will go about withdrawing consent if you wish to do so.

Whom do We Share Your Information With?

We routinely share pupil information with:

- Department for Education (DfE) (statutory for school funding and educational attainment policy and monitoring) and other government agencies and local authorities as required (e.g. to resolve funding queries)
- Kent County Council teams working to improve outcomes for children and young people
- Commissioned providers of local authority services (such as education services)
- Schools or colleges that pupils attend after leaving us
- Local forums with schools and KCC representatives which support in-year fair access processes and support managed moves between schools
- Local multi-agency forums which provide SEND advice, support and guidance (such as Local Inclusion Forum Team (LIFT))
- Partner organisations signed up to the Kent & Medway Information Sharing Agreement, where necessary, which may include police, social services, school nurses, doctors and mental health workers and Kent Community Health NHS Foundation Trust
- Schools in our local collaboration, to enable the moderation of pupil assessment outcomes, to support collaborative working through joint analysis, and ensure pupils continue to receive appropriate education provision.
- KCC must share information with external moderators (teachers with recent relevant experience) of end of key stage assessments, to meet statutory requirements from the Standards & Testing Agency (STA)
- Our regulators Ofsted, DfE and the ESFA – Education & Skills Funding Agency (e.g. pupil data)
- Contracted providers of services (such as school photographers and catering providers) where consent has been given
- Third-party providers of information services (such as student apps) where consent has been given. ClassDoJo
- Third party providers, such as Evidence for Learning to support, monitor and report on pupil progress for the use of pupil assessments. Also, to support the delivery of teaching and learning as part for the curriculum, through Seesaw and Google Hangouts.
- Third party providers such as, the school website and YouTube, for promotional and pupil celebration purposes as well as staff/parent/carers training– where consent has been given.
- Third party provider such as IRIS Connect, a Quality Assurance, CPD and Behaviour Analysis tool for developing teaching/learning/therapy/behaviour strategies for SLT/Teachers, Teaching Assistants and associated professionals such as Social Workers and Therapists.
- Cloud based recording facility to safeguard pupils My Concern & Sleuth
- Other Local Authorities with direct responsibility for children in care
- Police forces, courts, tribunals (in relation to safeguarding)
- Educators and examining bodies (e.g. ASDAN test papers)

If Pupil Information Leaves the Country

Sometimes, for example where we receive a request to transfer School records to a new School, it is necessary to send that information outside of the UK. In such circumstances additional measures will be applied to that data for its transfer, please contact the school for more information about these safeguards.

In the case of ClassDoJo, the classroom app, as this is a U.S. based company pupil data may move outside the EU. As such, parents need to be informed of this fact via this privacy notice as well as in

a ClassDoJo specific consent and terms of use document. The school will also maintain a data impact assessment on ClassDoJo.

Why we Share Information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

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

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 will share personal information with law enforcement or other authorities if required by applicable law.

Aged 14+ qualifications

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupils learning or qualifications

Our pupils in Year 11

We also provide additional pupil information to KCC to fulfil their responsibilities in relation to the education or training of 13–19-year-olds under section 507B of the Education Act 1996:

- Intended destinations of pupils in Year 11 moving into Year 12
- Course offers for pupils in Year 11 moving into Year 12 (September Guarantee)

Our pupils aged 16+

We will share information about pupils aged 16+ with our local authority as they have responsibilities in relation to the education or training of 13–19-year-olds under section 507B of the Education Act 1996.

In line with the Mental Capacity Act 2005 and the Children and Families Act 2014, if a pupil who is 16 years old or over has views regarding consent that differ from their parents or carers then a mental capacity assessment would be completed to inform any decisions to be made.

KCC has a legal responsibility to track all young people up to the age of 19 (and young adults with learning difficulties or disabilities up to the age of 25). The purpose of collecting this information is to assist the planning of education and training for young people and the support services they require. KCC will inform us of your child's current activity once you have left the school. This is in relation to education, training, employment with training you may be undertaking and whether you are NEET (not in Education, Employment or Training). Some of this information is then shared with the DfE who use the information to plan at a national level.

This information enables KCC to provide and arrange:

- post-16 education and training provision
- youth support services
- careers advice and guidance

For more information about services for young people, please go to <http://www.kent.gov.uk/education-and-children/young-people> or the KCC website at www.kent.gov.uk

The National Pupil Database (NPD)

The NPD is owned and managed by the DfE 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 DfE. 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.

The DfE 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 DfE 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
- 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.

To find out more about the pupil information we share with the department, for the purpose of data collections and requirements placed on us by the DfE (for example; via the school census), go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

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>

Storing Pupil Information

Pupil's records are stored securely in paper files and on the school's secure server.

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your child's personal information to those who have a genuine business need to know it. Those processing your child's information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

We hold your child's education records securely and retain them from your date of birth until you reach the age of 25, after which they are safely destroyed. If you change school your child's records will then be transferred to your new school at point of transfer, where they will be retained until your child reaches the age of 25, after which they are safely destroyed.

Your Rights

Individuals have a right to make a '**subject access request**' to gain access to personal information that the school holds about them.

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough and/or have the mental capacity to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

Parents/carers also have a legal right to access to their child's **educational record**. To request access, please contact Information Champion, the School Business Manager.

Your Other Rights Regarding Your Data

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

- Know what we are doing with your child's information and why we are doing it
- Ask us to correct any mistakes in the information we hold about your child
- Object to direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, to have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Make a complaint to the Information Commissioners Office
- Withdraw consent (if applicable)
- Claim compensation for damages caused by a breach of the data protection regulations

Depending on our reason for using your information, you may also be entitled to:

- Have your information transferred electronically to yourself or to another organisation
- Object to the use of personal data if it would cause, or is causing, damage or distress

We will always seek to comply with your request however, we may be required to hold or use pupil information to comply with legal duties. Please note: your request may delay or prevent us delivering a service to you.

To exercise any of these rights, please see 'Contact and Where to go' below.

For further information about your rights, including the circumstances in which they apply, see the guidance from the UK Information Commissioners Office (ICO) on individuals' rights under the General Data Protection Regulation (see below).

Who to Contact and Where to Go for Further Information

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, please raise this with the school in the first instance.

Information Champion, Karen Glover and/or Data Protection Officer, Alan Martin, Data Protection Advice Ltd, alan@dataprotectionadvice.co.uk

If you would like to get a copy of the information about you that KCC shares with the DfE or post-16 providers or how they use your information, please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk

For more information about services for children and young people, please go to: <http://www.kent.gov.uk/education-and-children> or the KCC website at www.kent.gov.uk

The General Data Protection Regulation also gives you right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns> or telephone 03031 231113.

For further information visit <https://www.kent.gov.uk/about-the-council/about-the-website/privacy-statement>

For further information about how the Department for Education uses your information: To find out more about the pupil information we share with the DfE, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

For more information about the DfE'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>

If you would like to discuss anything in this privacy notice, please contact Karen Glover, School Business Manager.

For independent advice about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Office (ICO) at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Tel: 0303 123 1113

Alternatively, visit ico.org.uk or email casework@ico.org.uk