

# Privacy Notice (How we use pupil information)

## 1. Privacy Notice for Pupils and Parents/Carers

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about pupils.

We, The Kingston Academy, Richmond Road, Kingston upon Thames, Surrey KT2 5PE are the 'data controller' for the purposes of data protection law. Our data protection officer is Zara Gallagher (see 'Contact us' below).

## 2. The categories of pupil information that we process include:

- personal details (such as name, date of birth, unique pupil number, contact details and address)
- photographs
- CCTV images captured in school
- characteristics (such as ethnicity, language, and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- medical and administration (such as doctors information, details of any medical conditions, including physical and mental health, allergies, medication and dietary requirements)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- assessment and attainment (such as key stage 2 results, test, assessment and exam results)
- use of the school's information and communications system
- behavioural information (such as attitude to learning, consequences, exclusions and any relevant alternative provision put in place)
- trips and activities (such as participation in enrichment opportunities)
- pupil premium grant (such as eligibility)

This list is not exhaustive and will be periodically updated. To access the current list of categories of information we process from time to time, the latest version of this privacy notice will always be available on the [data protection page](#) of our website.

## 3. Why we collect and use pupil information

The personal data collected is essential, in order for the school to fulfil its official functions and meet legal requirements.

We collect and use pupil information, for the following purposes:

- a) to support pupil learning (including SEND support)
- b) to monitor and report on pupil attainment and progress
- c) to protect pupil welfare
- d) to provide pastoral care and enrichment opportunities
- e) to assess the quality of our services
- f) to keep children safe (eg food allergies)
- g) to meet the statutory duties placed upon us for Department for Education data collections

Under the General Data Protection Regulation (GDPR), the lawful basis we rely on for processing pupil information are:

- for the purposes of (a), (b), (c), (d) and (e) in accordance with the legal basis of Public task: collecting the data is necessary to perform tasks that schools are required to perform as part of their statutory function;
- for the purposes of (f) in accordance with the legal basis of Vital interests: to keep children safe (food allergies, or medical conditions)
- for the purposes of (g) in accordance with the legal basis of Legal obligation: data collected for DfE census information
  - Section 537A of the Education Act 1996
  - the Education Act 1996 s29(3)
  - the Education (School Performance Information)(England) Regulations 2007
  - regulations 5 and 8 School Information (England) Regulations 2008
  - the Education (Pupil Registration) (England) (Amendment) Regulations 2013

In addition, concerning any special category data:

- conditions a, b, c and d of GDPR - Article 9

#### **4. Collecting pupil information**

We collect pupil information via registration forms at the start of each academic year. In addition, when a pupil joins us from another school we are sent a secure file containing relevant information. We may also receive data from other organisations including local authorities and the Department for Education. Throughout the academic year we collect pupil data ourselves, for example from attendance registers and assessments.

Pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this.

#### **5. Storing pupil information**

We hold pupil data securely and only for as long as we need to or for as long as the law requires us to, as shown in our data retention schedule. For more information on our data retention schedule and how we keep pupil data safe, please visit the [data protection page](#) on our website.

#### **6. Who we share pupil information with**

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

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about pupils with:

- the pupil's family and representatives
- educators and examining bodies
- Ofsted
- suppliers and service providers (to enable them to provide the service we have contracted them for)
- professional advisers and consultants
- charities and voluntary organisations
- police forces, courts, tribunals
- professional bodies
- schools that the pupils attend after leaving us
- health authorities
- health and social welfare organisations
- financial organisations
- our auditors

- survey and research organisations
- our local authority
- youth support services (pupils aged 13+)
- the Department for Education (DfE)

## 7. Why we share pupil information

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

### a. Youth support services

#### 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.

This enables them to provide services as follows:

- youth support services
- careers advisers

The information shared is limited to the child's name, address and date of birth. However where a parent or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the pupil once they reach the age 16.

Data is securely transferred to the youth support service via a secure file transferring system and is stored within local authority software.

#### 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

Data will be securely transferred to the youth support service via a secure file transferring system and stored within local authority software.

For more information about services for young people, please visit our local authority [website](#).

### b. 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 pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under:

- regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013
- Section 537A of the Education Act 1996
- the Education Act 1996 s29(3)
- the Education (School Performance Information)(England) Regulations 2007
- regulations 5 and 8 School Information (England) Regulations 2008
- the Education (Pupil Registration) (England) (Amendment) Regulations 2013

All data is transferred securely and held by the Department for Education 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.

## **8. Transferring data internationally**

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

## **9. Requesting access to your personal data and other data rights**

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 contact: Mrs Zara Gallagher, Data Protection Officer 020 8465 6200 or email: [dataprotection@thekingstonacademy.org](mailto:dataprotection@thekingstonacademy.org) (see the data protection page on our website for further details)

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the Information Commissioner's Office (ICO), or through the courts

## **10. How Government uses your data**

The pupil data that we lawfully share with the Department for Education through data collections:

- underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- informs 'short term' education policy monitoring and school accountability and intervention (for example, school GCSE results or Pupil Progress measures).
- supports 'longer term' research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

### **Data collection requirements**

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>

### **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>

### **Sharing by the Department for Education**

The law allows the Department to share pupils' personal data with certain third parties, including:

- schools
- 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 the Department to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, the Department typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

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/dfc-external-data-shares>

To contact the Department for Education: <https://www.gov.uk/contact-dfe>

## **11. Complaints**

We take any complaints about our collection and use of personal information very seriously.

If you have a concern or complaint about the way we are collecting or using pupil data, you should raise your concern with us in the first instance. To make a complaint, please contact our Data Protection Officer.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Online at: <https://ico.org.uk/concerns/>
- Telephone: 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## **12. Contact**

If you would like to discuss anything in this privacy notice, please contact: Mrs Zara Gallagher, Data Protection Officer 020 8465 6200 or email: [dataprotection@thekingstonacademy.org](mailto:dataprotection@thekingstonacademy.org)