



## **Privacy Notice (How we use pupil information)**

The Clare School is committed to protecting the rights and freedoms of data subjects (natural persons), and the safe and secure processing of their data, in accordance with the Data Protection Act 2018. The Data Protection Act 2018 replaces the EU Data Protection Directive of 1995 and superseded the laws of Member States that were developed in compliance with the Data Protection Directive 95/46/EC.

We hold personal data about our pupils for a variety of purposes, this policy sets out how we process pupils Personal Data and the rights available to the pupil in relation to that processing.

The Clare School is both a Controller and a Processor of data and as the Processor we have specific legal obligations placed upon us; e.g. we are required to maintain records of personal data and processing activities and as such we have a legal liability to protect this information.

As a Controller, we are not relieved of our obligations where the Processor is involved (i.e. in a sub contract arrangement the Clare School is the Controller, the Sub Contractor is the Processor) as GDPR places further obligations on us to ensure our contracts with Processors comply with GDPR.

As our data protection officer The DPO Centre has overall responsibility for the day-to-day implementation of this policy. You should contact the DPO for further information about this policy if necessary.

[[dpo@theclareschool.com](mailto:dpo@theclareschool.com)]

## **The categories of pupil information that we collect, hold and share**

The Clare School collects and uses Personal Data in order to meet legal requirements and for legitimate interests this Personal Data includes:

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Safeguarding information (such as disclosures and nagging doubts, actions taken/support given and official reports from the Local Authority)
- Behaviour information (such as behaviours witnessed/seen in school, associated injuries, physical/restrictive physical interventions used to support and support and intervention plans) such as Health Care Plans, Moving and Handling Plans, Intimate Care Plans and Medical forms)
- Medical and Care information (such as Health Care Plans, Moving and Handling Plans, Intimate Care Plans and Medical forms)
- Special Educational Needs information (such as Education and Health Care Plans, LSP's and Pupil Views)
- Post 16 learning information (such as aspirations for the future and support needed to aid transition)
- Assessment information (such as how well the child is currently performing and scrutiny of class based work)

## **Why we collect and use this information**

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care and additional safeguarding support
- to assess the quality of our services

- to comply with the law regarding data sharing
- to safeguard pupils

### **The lawful basis on which we use this information**

We collect and use pupil information under the Data Protection legislation. This means that we must have a lawful basis to collect the data, and that if we share that with another organisation or individual we must have a legal basis to do so.

The lawful basis for schools to collect information comes from a variety of sources, such as the Education Act 1996, Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013, Article 6 and Article 9 of the GDPR.

The Department for Education and Local Authorities require us to collect certain information and report back to them. This is called a 'public task' and is recognised in law as it is necessary to provide the information.

We also have obligations to collect data about children who are at risk of suffering harm, and to share that with other agencies who have a responsibility to safeguard children, such as the police and social care.

We also share information about pupils who may need or have an Education Health and Care Plan (or Statement of Special Educational Needs). Medical teams have access to some information about pupils, either by agreement or because the law says we must share that information, for example school nurses may visit the school. Counselling services, careers services, occupational therapists are the type of people we will share information, so long as we have consent or are required by law to do so.

In school we also use various third party tools to make sure that pupils' best interests are advanced. This includes financial software to manage school budgets, which may include some pupil data. We use software to track progress and attainment. We must keep up to date information about parents and carers for emergency contacts.

We also use contact information to keep pupils, parents and carers up to date about school events.

We may ask for your consent to use your information in certain ways. If we ask for your consent to use your personal information you can take back this consent at any time. Any use of your information before you withdraw your consent

remains valid. Please speak to DPO Centre if you would like to withdraw any consent given

## **The lawful basis on which we use this information**

We collect and process information about children in our care and children to whom we provide services under the following legal basis.

### **Legal obligation**

Where the School needs to use your information in order to comply with a legal obligation, for example to report a concern to Children's Services. We may also have to disclose your information to third parties such as the courts, the local authority or the police where we are legally obliged to do so

### **Public interest**

The School considers that it is acting in the public interest when providing education.

### **Legitimate interests**

This means that the processing is necessary for legitimate interests except where the processing is unfair to you. The Clare School relies on legitimate interests for most of the ways in which it uses your information.

- Specifically, the School has a legitimate interest in:
- Providing educational services to your child;
- Safeguarding and promoting the welfare of your child (and other children);
- Promoting the objects and interests of the School.
- To enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective students, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past students;

In addition, the School may need to process special category personal data (concerning health, ethnicity, and religion) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required.

These reasons may include:

- To safeguard students' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition where it is in the individual's

interests to do so: for example for medical advice, social services, insurance purposes or to organisers of School trips;

- To provide educational services in the context of any special educational needs of a pupil;
- To provide spiritual education in the context of any religious beliefs; •
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

### **Collecting pupil 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.

### **Storing pupil data**

We will hold information about your child in both paper and electronic format; the format of this data will be dependent on the nature of the information, where some may only be available in paper form. In each case, whether electronic or paper, we ensure that we hold this data securely, granting access to only those who need it to provide ongoing support or engagement.

We keep your information for no longer than is necessary in order to educate and look after your child. We will keep some information after your child has left the School, for example, so that we can find out what happened if you make a complaint.

We hold pupil data until a child reaches the age of 30, after which the information we hold is securely destroyed. More information is within the schools GDPR Data Protection policy.

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

We routinely share pupil information with:

- Schools/colleges that the pupil's attend after leaving us
- our local authority (Norfolk County Council, Suffolk County Council and any

other Local Authority if the child is moving out of county.

- Childrens services
- External providers (such as residential visits, Nancy Oldfield)
- the Department for Education (DfE)
- school nursing team
- medical professionals (physiotherapists, occupational therapists, speech and language therapists)
- support services linked to Norfolk County Council (Sensory Support Services, Virtual School, Norfolk Steps)
- transport (Norse, Albies, Enterprise, LG Taxi, Able, Wherry Taxis, Door to Door, United Taxis)
- respite (Foxwood, Nelson Lodge, Mill Lodge, Squirrels, Little Acorns, Pear Tree Lane, Bradwell, Church Green Lodge, Pine Lodge)
- ASDAN
- Exam board (WJEC)
- Scholarpack
- Evolve
- Library
- Tapestry
- Earwig
- Pro-forms (online data capture service for reporting issues with school technology and premises faults)

### **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.

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 our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

### **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>.

### **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

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

#### **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 our local authority website.

### **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.

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

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

### **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 educational record, contact **DPO**.

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
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance.

Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

## **Contact**

If you would like to discuss anything in this privacy notice, please contact:

**The DPO Centre (dpo@theclareschool.com)**

## Appendix 1

Throughout this document we refer to Data Protection Legislation which means the Data Protection Act 2018 (DPA2018), the United Kingdom General Data Protection Regulation (UK GDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any legislation implemented in connection with the aforementioned legislation. Where data is processed by a controller or processor established in the European Union or comprises the data of people in the European Union, it also includes the EU General Data Protection Regulation (EU GDPR). This includes any replacement legislation coming into effect from time to time.

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