Privacy Notices

Version Control

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General Guidance to Privacy Notices

The point of a privacy notice is to inform an individual about how an organisation (here an academy trust or school) is processing their personal information. It is part of the individual's right to be informed.

There are rules about what a privacy notice needs to contain. Slightly different rules apply to information that you are given by third parties, as opposed to information which the school / trust has obtained and this is explained further below.

This guidance pack contains a template privacy notice for pupils and one for employees.

We have not included a privacy notice for parents, alumni or other contacts because we expect those notices to be affected by the new Direct Marketing Code. If you do not try to fundraise from your parent body then you should be able to write a privacy notice now using the general checklist below.

General Checklist for Privacy Notices

Information you have collected from the Individual

At the point at which you collect the information, you are required to provide the following information:

- The identity and contact details of the Data Controller (the academy trust or maintained school;
- Contact details for the Data Protection Officer;
- The purposes for which you have collected the information – if possible by isolating each use, and the data to which it relates, but in event so that it is clear to the individual why are you collecting their data;
- The legal basis for each use of the information (i.e. consent, public interest.).Take advice on the legal basis if in any doubt;
- Any recipients of the information or the categories of recipients;
- If information will be transferred to a country outside of the EEA where there is no EU Adequacy[1] decision, then you need to set out what safeguards are in place, and how the individual can obtain a copy of those safeguards, or details of where they can be accessed;
- The period for which the information will be stored, or if not known, the criteria used to determine how long information is stored;
- The existence of the rights for access to information, rectification, erasure, to restrict or object to processing, and data portability;
- If you are relying on consent for processing, the existence of the right to withdraw that consent at any time, including a statement making it clear that withdrawal does not render any processing carried out before the withdrawal unlawful;
- The right to complain to the Information Commissioner's Office (the "ICO");
- If provision of the information is a statutory requirement, this must be stated, and it must be clear whether or not the individual is obliged to provide this information, and the consequences of not doing so. (This may be better indicated in the form requesting the information, rather than listing in this notice);
- If automated decision making is being used, what the logic is, and the significance and consequences for the individual.

The only exception to the provision of this information is where the individual already has it.

Where, at a later date, you intend to further process information for a purpose not provided to the individual, you have to provide all relevant information from the list above. In practice, this means you must provide everything relating to why the proposed new processing is lawful, but you do not have to provide information again if it has not changed as the individual will already have this.

Information you hold which is not provided to you by the Individual

If information has been provided to you by a third party, you are still required to give the individual the information set out above. The information has to be provided within a reasonable period from the date on which it is given to you, and in any event within one month of that date. If the individual is to be contacted, then you should provide this information at the time of the first contact, or if disclosure to another recipient is the purpose, the information must be provided at least when the information is disclosed, but in any event, the earlier the better. As above, you need to consider carefully how you will prove that the individual has received this information.

The requirements are the same as for the information that you collect yourself, with the addition of details of the categories of information obtained and of where the information was obtained, and whether this is a publicly available source.

[1] A decision of the EU that a country's data protection laws offer equivalent protections to UK law.

There are exemptions to the requirement to provide information where the individual already has the information and also where the provision of the information would prove impossible or would involve a disproportionate effort – particularly in cases where the information is being used for purposes that are in the public interest (e.g. medical), for scientific or historical research purposes or statistical purposes. There is also an exemption if the receipt of this information relates to a legal obligation which provides adequate measures to protect the individual's interests, or where there is a legal requirement for confidentiality or secrecy. You will need to be prepared to defend this if questioned, so you must understand which exemption applies.

In practice, if there is a situation where you think that you may not be able to meet the usual requirements of a privacy notice then you should take legal advice.

Privacy notice for pupils

Guidance to the privacy Notice for Pupils

The privacy notice for pupils is based on a precedent document produced by the DfE but aims to be more helpful to the school than the DfE precedent. We have also made more effort to make the notice easier to understand. As a document directed at a child it should be possible for a child with capacity (generally age 12 or above) to understand it but this is difficult to achieve given the GDPR requirements for a privacy notice. The privacy notice envisages that you will make it clear on data collection forms whether the information is actually required and on what basis and what the consequences of not providing the information are. Cross refer to the guidance to the Audit Template and to The Records Retention Policy to help you.

Privacy Notice for pupils (also provided to parents and carers)

This letter might be difficult for you to understand. You can ask your parents or another adult such as your teacher to help you understand it.

It is about how we use information about you and what we do with it. We call this information about you 'personal data' or 'personal information.'

Who we are

You already know that your school is called …….. and that it is part of the Equals Trust but we have to tell you that the Academy Trust is the organisation which is in charge of your personal information. This means the Academy Trust is called the Data Controller.

The postal address of the Academy Trust is Equals Trust, c/o Keyworth Primary School, Nottingham Road, Keyworth, Nottingham.

If you want to contact us about your personal information you can contact our Data Protection Officer who is the Trust Executive Officer. You can speak to her in school or you can leave a letter at reception or send one by post.

How we use pupil information

We at Equals Trust collect and hold personal information relating to our 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 your learning
- monitor and report on their progress
- provide appropriate care for you; and
- assess the quality of our services
- to comply with the law about sharing personal data
  [add anything else which may be relevant]

This information will include your contact details, national curriculum assessment results, attendance information, any exclusion information, where you go after you leave us and personal characteristics such as your ethnic group, any special educational needs you may have as well as relevant medical information. We will also use photographs or you. More details about this are in our photograph policy.

The Academy may make use of limited personal data (such as contact details) relating to pupils, and their parents or guardians for fundraising, marketing or promotional purposes and to maintain relationships with pupils of the academy, but only where consent has been provided to this.

The use of your information for these purposes is lawful for the following reasons:

- The Academy Trust is under a legal obligation to collect the information or the information is necessary for us to meet legal requirements imposed upon us such as our duty to safeguard pupils.

- it is necessary for us to hold and use your information for the purposes of our functions in providing schooling and so we can look after our pupils. This is a function which is

in the public interest because everybody needs to have an education. This means we have a real and proper reasons to use your information.

- We will not usually need your consent to use your information. However, if at any time it appears to us that we would like to use your personal data in a way which means that we would need your consent then we will explain to you what we want to do and ask you for consent. This is most likely to be when we are involved in activities which are not really part of our job as an Academy Trust / School but we are involved because we think it would benefit our pupils. If you give your consent, you may change your mind at any time. If we think that you will not understand what we are asking then we will ask your parent or carer instead. Usually, we will involve your parents even if you can make your own decision.

When we collect personal information on our forms, we will make it clear whether there is a legal requirement for you / your parents to provide it, whether there is a legal requirement on the school / academy trust to collect it. If there is no legal requirement then we will explain why we need it and what the consequences are if it is not provided.

When we give your information to others

We will not give information about our pupils to anyone without your consent unless the law and our policies allow us to do so. If you want to receive a copy of the information about you that we hold, please contact:

- . Trust Executive Officer

We are required, by law (under regulation 5 of the Education (Information about Individual Pupils) England Regulations 2013, to pass some information about our pupils to the Department for Education (DfE). This is the part of the Government which is responsible for schools. This information may, in turn, then be made available for use by the Local Authority.

The DfE may also share information about pupils that we give to them, with other people or organisations. This will only take place where the law, including the law about data protection allows it.

[For use by all education settings:]
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 pupil information we share with the department, 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 National pupil database: user guide and supporting information - GOV.UK.

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

We will also normally give information about you to your parents or your main carer. Where appropriate, we will listen to your views first. We will also take family circumstances into account, in particular where a Court has decided what information a parent is allowed to have.

We will also disclose your personal data to:

Seek further advice if there is a concern over lawfulness.

- Your new school if you move schools
- Disclosures connected with SEN support – e.g. non-LA professionals [explain what these are]
- School nurse
- School Counsellor
- CAMHS (Child and Adolescent Mental Health Service)

The information disclosed to these people / services will include sensitive personal information about you. Usually this means information about your health and any special educational needs or disabilities which you have. We do this because these people need the information so that they can support you.

Our disclosure of your personal data is lawful for the following reasons:

- The Academy Trust is under a legal obligation to disclose the information or disclosing

the information is necessary for us to meet legal requirements imposed upon us such as our duty to look after our pupils and protect them from harm.

- It is necessary for us to disclose your information for the purposes of our functions in providing schooling. This is a function which is in the public interest.
- We have a legitimate interest in disclosing your information because it is necessary in order to provide our pupils with education and pastoral care and connected purposes as outlined above.
- We will not usually need consent to disclose your information. However, if at any time it appears to us that we would need consent then this will be sought before a disclosure is made.

It is in your vital interests for your personal information to be passed to these people or services. We will ask you for consent once we think that you can understand what we are asking. This is because the law requires us to ask you if you can understand. Normally, we involve your parents too. By law we won't need their consent if you can give it but parents like to be involved because it is part of looking after you. Before you are old enough to understand we will ask your parents to consent for you.

We do not normally transfer your information to a different country which is outside the European Economic Area. This would only happen if one of your parents lives abroad or if you move to a new school abroad. If this happens we will be very careful to make sure that it is safe to transfer your information. We will look at whether that other country has good data protection laws for example. If we cannot be sure that it is safe then we will talk to you and your parents about it and make sure that you are happy for us to send your information. As this is not something we normally do and we don't know which country we might need to send your information to, we cannot tell you more about it now but if we want to transfer your data to a different country then we will tell you whether or not we think it is safe and why we have decided that.

How long we keep your information

We only keep your information for as long as we need to or for as long as the law requires us to. Most of the information we have about you will be in our pupil file. We usually keep these until your 25th birthday unless you move to another school in which case we send your file to your new school. We have a policy which explains how long we keep information. It is called a Records Retention Policy and you can find it here [insert link] or ask for a copy at reception.

Your rights
You have these rights:

- You can ask us for a copy of the information we have about you
- You can ask us to correct any information we have about you if you think it is wrong
- You can ask us to erase information about you (although we may have good reasons why we cannot do this)
- You can ask us to limit what we are doing with your information
- You can object to what we are doing with your information
- You can ask us to transfer your information to another organisation in a format that makes it easy for them to use.

There is more information in our Data Protection Policy or you can ask Trust Executive Officer

The policy can be found at www.equalstrust.org or you can ask for a copy at reception.

You can complain about what we do with your personal information. If you are not happy with our answer to your complaint then you can complain to the Information Commissioner's Office:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.

Privacy notice for staff

Privacy Notices - school workforce

Who we are

Your school is part of Equals Multi Academy Trust. For the purposes of Data Protection legislation, the Academy Trust is the Data Controller. This means it is in charge of personal data about you.

The postal address of the Trust is:

Equals Trust, Keyworth Primary School, Nottingham Road, Keyworth NG12 5FB

The Data Protection Officer for the Trust is Catherine Cox - Trust Executive Officer. She can be contacted at EQT Office, C/O Keyworth Primary School.

In this policy 'we' and 'us' means the Academy Trust.

How we use your information

We process personal data relating to those we employ to work at, or otherwise engage to work within our Trust. This is for employment purposes to assist in the running of the Trust and to enable individuals to be paid.

This personal data includes identifiers such as names and national insurance numbers, employment contracts and remuneration details, qualifications and absence information. It will also include sensitive personal data such as ethnic group, medical information and trade union membership (if you choose to supply this information to us).

During the recruitment process we may receive information about you from a previous employer or an educational establishment which you have previously attended. You will know about this because you will have supplied us with the relevant contact details.

Collecting and using your information in this way is lawful because:

- The processing is necessary for the performance of your employment contract
- The processing is necessary for the performance of a legal obligation to which the Academy Trust is subject, for example our legal duty to safeguard pupils
- The processing is necessary to protect the vital interests of others, i.e. to protect pupils from harm
- The processing is necessary for the performance of our education function which is a function in the public interest.

When we collect personal information on our forms, we will make it clear whether there is a legal requirement for you to provide it, and whether there is a legal requirement on the school / academy trust to collect it. If there is no legal requirement then we will explain why we need it and what the consequences are if it is not provided.

How we share your information with third parties

We will not share information about you with third parties without your consent unless the law allows us to.

We are required, by law, to pass on some of the personal data which we collect to:

- our local authority
- the Department for Education (DfE)

The collection of this information will benefit both national and local users by:

- improving the management of workforce data across the sector
- enabling development of a comprehensive picture of the workforce and how it is deployed
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring; and
- supporting the work of the School Teachers' Review Body

If you require more information about how DfE store and use your personal data please visit:

- https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

We disclose personal data about you to the Disclosure and Barring Service for the purposes of carrying out checks on your suitability for work with children.

We disclose details about you including national insurance number and absence information to our payroll provider to enable you to be paid.

We disclose details about you to our HR provider for the purposes of HR management.

We share your identity and pay information with HMRC in conjunction with your legal obligation to pay income tax and make national insurance contributions.

Where you have decided to become part of a salary sacrifice scheme such as that for child care vouchers, we share your details with the provider to the extent necessary for them to provide the vouchers to you.

We share your details with your pension provider in order to make sure that you pay the correct amount and maintain your entitlement to a pension upon your retirement. For teachers the scheme is the TPS, for support staff the scheme is LGPS.

Our disclosures to third parties are lawful because one of the following reasons applies:

- The disclosure is necessary for the performance of your employment contract
- The disclosure is necessary for the performance of a legal obligation to which the Academy Trust is subject, for example our legal duty to safeguard pupils
- The disclosure is necessary to protect the vital interests of others, i.e. to protect pupils from harm
- The disclosure is necessary for the performance of our education function which is a function in the public interest.

How long we keep your personal information

We only keep your information for as long as we need it or for as long as we are required by law to keep it. Full details are given in our records retention policy.

Your rights

You have the right to:

- Ask for access to your personal information
- Ask for rectification of the information we hold about you
- Ask for the erasure of information about you
- Ask for our processing of your personal information to be restricted
- Data portability
- Object to us processing your information.

If you want to use your rights, for example, by requesting a copy of the information which we hold about you, please contact: Catherine Cox, The Trust Executive Officer.

More information about your rights is available in our data protection policy.

If at any time you are not happy with how we are processing your personal information then you may raise the issue with the Data Protection Officer and if you are not happy with the outcome you may raise a complaint with the Information Commissioner's Office:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.