

Newham Community Learning: Privacy Notice - parents and primary students

Approved by: Trust Board

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Newham Community Learning - Trust Office, Exning Road, London E16

Newham Community Learning - Privacy Notice

For primary school pupils and their parents/carers

1. Who we are

You have a legal right to be informed about how our school, and the multi-academy trust we are part of - Newham Community Learning - uses any personal information that we hold about you. To comply with this, we provide a 'privacy notice' to you where we are processing your personal data.

This notice explains how we collect, store and use personal data about pupils at our school, like you.

Our trust, [Newham Community Learning](#), is the 'data controller' for the purposes of UK data protection law.

Our data protection officer is Andrew Hemmings, Director of Education and Duty CEO, who is based at the Trust's Office (see 'Contact us' below).

2. The categories of personal data we hold

We hold some personal information about you to make sure we can help you learn and look after you at school. For the same reasons, we get information about you from some other places too – like other schools, the local council and the government.

Personal information that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- 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, child health, dental 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 phonics results)
- behavioural information (such as exclusions and any relevant alternative provision put in place)
- Information about free school meal and pupil premium eligibility
- Information for catering management purposes (e.g whether you have school dinners and how often)

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- information relating to trips and activities
- identity management/authentication systems

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

- Information about your characteristics, like your ethnic background or any special educational needs
- Information about any medical conditions you have
- Photographs and CCTV images

3. Why we collect and use this data

We use the data listed above to:

- Get in touch with you and your parents when we need to
- Track how well the school you attend as a whole is performing
- Look after your wellbeing
- Support your learning
- Monitor and report on your progress
- Provide appropriate care for you
- To keep you safe (food allergies, or emergency contact details)
- To comply with the statutory duties placed on us by DfE data collections
- To enable participation in school trips and extracurricular activities
- To manage catering services effectively

3.1. Use of your personal data for marketing purposes

Where you have given us consent to do so, we may send you messages by email or text promoting school events, campaigns, charitable causes or services that you might be interested in.

You can take back this consent or 'opt out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

3.2. Use of data in automated decision making processes

We don't currently put your personal information through any automated decision making or profiling process. This means we don't make decisions about you using only computers without any human involvement.

If this changes in the future, we will update this notice in order to explain the processing to you, including your right to object to it.

4. Our lawful basis for using this data

We will only collect and use your information when the law allows us to. We need to establish a 'lawful basis' to do this.

Our lawful bases for processing your personal information for the reasons listed above are:

UK GDPR identifies 6 lawful bases for processing personal data (available on [this page of the Information Commissioner's Office website](#)). Some examples of the processing that we undertake, and the lawful bases for it, are provided below:

- To meet the terms of a contract/voluntary agreement - eg. recording and storing your personal and contact details [Article 6, (b)].
- To meet a legal obligation - eg. providing details of our pupils to the DfE. [Article 6, (c)].
- To protect the vital interests of you or someone else - eg. providing your details to the emergency services [Article 6, (d)].
- Performing a public task - eg. retaining records of your attendance at school [Article 6, (e)].

We can also ask that you provide your consent to process your personal data when the reason for processing (e.g. marketing) does NOT fall into one of the categories above. Where you've provided us with consent to use your information, you may take back this consent at any time. We'll make this clear when requesting your consent, and explain how you'd go about withdrawing consent if you want to.

4.1. Our lawful basis for collecting and processing special category data

For 'special category' data (more sensitive personal information), we only collect and use it when we have both a lawful basis, as set out above, AND one of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your information in a certain way;
- We need to use your information under employment, social security or social protection law;
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent;
- The information has already been made obviously public by you;
- We need to use it to make or defend against legal claims;
- We need to use it for reasons of substantial public interest as defined in legislation;
- We need to use it for health or social care purposes, and it's used by, or under the direction of, a professional obliged to confidentiality under law;
- We need to use it for public health reasons, and it's used by, or under the direction of, a professional obliged to confidentiality under law;
- We need to use it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the use is in the public interest.

5. Collecting your personal data

While most of the information we collect about you is mandatory, there is some information that can be provided voluntarily.

Whenever we want to collect information from you, we make it clear if you have to give us this information (and if so, what the possible consequences are of not doing that), or if you have a choice.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local councils
- Government departments or agencies
- Police forces, courts, tribunals.

6. How we store your personal data

We keep personal information about you while you're attending our school. We may also keep it beyond your attendance at our school if this is necessary. Our Data Protection Policy sets out how long we keep information about pupils.

We have security measures in place to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We'll dispose of your personal data securely when we no longer need it.

7. Who we share your personal data with

We don't share information about you with any third party without your consent UNLESS the law and our policies allow us to do so. Where it's legally required, or necessary (and it complies with UK data protection law), we may share personal information about you with:

- Our local authority, the London borough of Newham – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions;
- Government departments or agencies;
- Our youth support services provider;
- Our regulator, Ofsted;
- Suppliers and service providers - eg. our catering suppliers;
- Financial organisations;
- Our auditors;
- Survey and research organisations;
- Health authorities;
- Security organisations;

- Health and social welfare organisations;
- Professional advisers and consultants;
- Charities and voluntary organisations;
- Police forces, courts, tribunals
- Schools that the pupils attend after leaving us
- Academy trusts, federations or Multi Academy Trusts (if applicable)

7.1. National Pupil Database

We have to provide information about you to the Department for Education (a government department) as part of data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](#), which is managed by the Department for Education and provides evidence on how schools are performing. This, in turn, supports research.

The database is held electronically so it can easily be turned into statistics. The information it holds is collected securely from schools, local authorities, exam boards and others.

The Department for Education may share information from the database with other organisations, such as organisations that promote children's education or wellbeing in England. These organisations must agree to strict terms and conditions about how they will use your data.

You can find more information about this on the Department for Education's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) if you have any questions about the database.

7.2. Other people and organisations we share your information with

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:

- Your new school if you move schools
- Disclosures connected with SEN support – e.g. non-LA professionals
- School nurse
- School Counsellor/counselling services run at school
- CAMHS (Child and Adolescent Mental Health Service)
- Other organisations providing tailored therapeutic services working at our schools

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 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.
- There is a substantial public interest in disclosing your information because it is necessary to keep our pupils safe from harm.
- We may not need consent to disclose your information. However, if at any time it appears to us that we would need consent then we will ask before a disclosure is made.

It is in your interests for your personal information to be passed to these people or services. If we need consent to pass on your information, 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.

8. Transferring your data internationally

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.

9. Your rights

Under UK GDPR, you have rights about your personal data, including:

- The right to be informed

- The right of access (subject access request)
- The right to rectification (correct inaccurate data)
- The right to erasure ('right to be forgotten') in certain cases
- The right to restrict processing in certain circumstances
- The right to object to processing, in certain circumstances
- Rights in relation to automated decision making and profiling
- The right to withdraw consent at any time (where relevant)
- The right to complain to the Information Commissioner

9.1. How to access your personal data that we hold about you

You have a right to make a 'subject access request' to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (unless there's a really good reason why we shouldn't):

- Give you a description of it;
- Tell you why we are holding and using it, and how long we will keep it for;
- Explain where we got it from, if not from you;
- Tell you who it has been, or will be, shared with;
- Let you know whether any automated decision-making is being applied to the data (decisions made by a computer or machine, rather than by a person), and any consequences of this;
- Give you a copy of the information in an understandable form.

You may also have the right for your personal information to be shared with another organisation in certain circumstances. If you would like to make a request, please contact us (see 'Contact us' below).

9.2. Your other rights regarding your data

Under UK data protection law, you have certain rights regarding how your personal information is used and kept safe. For example, you have the right to:

- Say that you don't want your personal information to be used;
- Stop it being used to send you marketing materials;
- Say that you don't want it to be used for automated decisions (decisions made by a computer or machine, rather than by a person) - not currently applicable at our schools, as explained above;
- In some cases, have it corrected if it's inaccurate;
- In some cases, have it deleted or destroyed, or restrict its use;

- Withdraw your consent, where you previously provided consent for your personal information to be collected, processed and transferred for a particular reason;
- In some cases, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation if the data protection rules are broken and this harms you in some way

To exercise any of these rights, please contact us (see 'Contact us' below).

10. Complaints

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 concerns about our data processing, please let us know first.

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

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

11. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our data protection officer:

Andrew Hemmings, Director of Education and Deputy CEO, Newham Community Learning - andrew.hemmings@ncltrust.net

Our individual schools also have an identified data protection lead who has day-to-day responsibility for data protection issues in our school. Please speak to our school reception offices to find out more.