



# Lea Nursery School: Privacy Notice for Pupils

Under data protection legislation, 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 and why we collect, store and use personal data about Governors.

We, Lea Nursery School, are the 'Data Controller' for the purposes of data protection law. The School is registered as a Data Controller with the Information Commissioners Office (ICO). Our registration number is **Z8647020**.

Our data protection officer is The Schools People (see 'Contact us' below).

## 1. Types of Pupil Information we Collect

The categories of Pupil information that we collect, process, hold, and share includes, but is not limited to:

- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- characteristics (such as , language, and free school meal eligibility)
- special characteristics including racial or ethnic origin; religious or philosophical beliefs and health;
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- medical and administration (such as doctors' contact 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)
- pupils who attract additional funding- e.g. Looked After Children/those who attract Pupil Premium funding/in the care of Social Services or are subject to a Special Guardianship Order;
- assessment and attainment

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- behavioural information (such as exclusions and any relevant alternative provision put in place)

### 2. Why we Collect and use Pupil Information

We collect pupil information to safeguard and promote the welfare of your child, promote the objects and interests of the School, facilitate the efficient operation of the School and ensure that all relevant legal obligations of the School are complied with. For example, we collect data for the following purposes:

- to support pupil learning;
- to monitor and report on pupil attainment progress;
- to provide appropriate pastoral care;
- to assess the quality of our services;
- to keep children safe (food allergies, or emergency contact details);
- to meet the statutory duties placed upon us for DfE data collections.

### 3. The Lawful Bases on which we Process Personal Data

We process general personal data under:

- Article 6 (1)(a) of the GDPR. Where we have the consent of the data subject or a person with the lawful authority to exercise consent on the data subject's behalf;
- Article 6(1)(c) of the GDPR. Where processing is necessary for us to comply with the law;
- Article 6(1)(d) of the GDPR. where processing is necessary to protect the vital interests of the data subject or another person;
- Article 6(1)(e) of the GDPR as processing is necessary for us to perform a task in the public interest or for our official functions, and this task or function is lawful;

We process special category data under:

- Article 9(2)(a) of the GDPR. The data subject has given explicit consent or a person with the lawful authority to exercise consent on the data subjects behalf;
- Article 9(2)(c) of the GDPR. Processing is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;

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- Article 9(2)(e) of the GDPR. Processing relates to personal data which are manifestly made public by the data subject;
- Article 9(2)(f) of the GDPR. Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- Article 9(2)(g) of the GDPR. Processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
- Article 9(2)(j) of the GDPR. Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

### 4. Collecting Pupil Personal Data

We collect Pupil personal data from:

- Application/admissions processes, including home visit forms;
- Common Transfer files;
- Assessment and attainment processes;
- Attendance (routine register twice a day)
- Special Educational Needs and Disabilities (SEND) information
- Parent Communications;
- Health information
- In addition, the School also uses CCTV cameras in and around the school site for security purposes and for the protection of staff, pupils and other stakeholders.

Whilst the majority of pupil information 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, if you have a choice in this and what the possible consequences of failing to provide this personal data would be.

Where appropriate, we will ask parents for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to use photos or images of pupils on our

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website to promote school activities or if we want to ask your permission to use your information for marketing purposes. Parents / pupils may withdraw consent at any time.

### Storage and Retention of Personal Data

A significant amount of personal data is stored electronically. Some information may also be stored as hard copy.

Data stored and accessed electronically is done so in accordance with the School's **Data Security Policy**

Hard copy data is stored and accessed in accordance with the School's **Data Security Policy**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for in accordance with the School's **Data Retention Policy and Schedule**.

### 5. Who do we Share Pupil Personal Data with?

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

We routinely share pupil information with:

- our Local Authority;
- a pupil's home Local Authority (if different);
- the Department for Education (DfE) (see "How the Government Uses Your Data" below);
- Ofsted;
- NHS/School Nurse Service;

From time to time, we may also share pupil information with other organisations including:

- School Governors;
- Law enforcement agencies;
- NHS health professionals; educational psychologists;
- Education Welfare Officers;
- Courts, if ordered to do so;
- The Teaching Regulation Authority;

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- Prevent teams in accordance with the Prevent Duty on Schools;
- Other schools, for example, if we are negotiating a managed move or the pupil is moving on to another school;
- Our legal advisors;
- Our insurance providers / the Risk Protection Arrangement;

We also share limited personal data with third party service providers who require access to data in order to perform contracted services. These service providers include:

- Capita Sims
- Slough Early Years Portal
- 2 Build a Profile (2Simple)
- EYFS Tracker
- Groupcall
- Any other services/service providers that we will inform you of from time to time.

These third-party service providers act as data processors on the Schools behalf and are required to take appropriate security measures to protect your personal information in line with our policies and data protection legislation. We authorise these service providers to use personal data only as necessary to perform services on our behalf, or to comply with legal obligations if necessary.

### **How Government uses your data**

The pupil data that we lawfully share with the DfE 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 (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)

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>

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### **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>

### **6. Transferring Data Outside The EEA**

We do not routinely share data with organisations outside the EEA.

We will not transfer personal data outside the European Economic Area (EEA) unless such transfer complies with the GDPR. This means that we cannot transfer any personal data outside the EEA unless:

- The EU Commission has decided that another country or international organisation ensures an adequate level of protection for personal data
- One of the derogations in the GDPR applies (including if an individual explicitly consents to the proposed transfer).

### **7. Your Data Subject Rights**

Pupils have the right to:

- Make a Subject Access Request (SAR) (see below);
- Withdraw consent to processing at any time;
- Ask us to rectify, erase or restrict processing of your personal data, or object to the processing of it (in certain circumstances);
- Prevent use of your personal data for direct marketing;
- Challenge processing which has been justified on the basis of public interest;

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- Request a copy of agreements under which your personal data is transferred outside of the European Economic Area;
- Object to decisions based solely on automated decision making or profiling. The School **does not use** automated decision making and/or profiling in any of its processes and procedures;
- Prevent processing that is likely to cause damage or distress;
- Be notified of a data breach in certain circumstances;
- Make a complaint to the ICO;
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances);

### 8. Subject Access Requests

Under data protection legislation, pupils have the right to request access to information about them that we hold. Personal data belongs to the data subject, and in the case of the personal data of a child regardless of their age the rights in relation to that personal data are theirs and not those of their parents. Parents, in most cases, do not have automatic rights to the personal data of their child.

However, there are circumstances where a parent can request the personal data of their child without requiring the consent of the child. This will depend on the maturity of the child and whether the School is confident that the child can understand their rights. Generally, in the UK, where a child is under 13 years of age, they are deemed not to be sufficiently mature as to understand their rights of access and a parent may request access to their personal data on their behalf. The School will then determine, whether, in their opinion, the pupil is mature enough to understand their rights and act accordingly.

Subject Access Requests **may be** made to the School in written form or verbally.

If a parent wishes to make a Subject Access Request on the pupil's behalf, it would be helpful if this could be made in writing to the Headteacher, including:

- requester name and contact address (if made on behalf of a pupil)
- Pupil name and date of birth (if made on behalf of a pupil)

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- email address and telephone number
- details of the information required.

A Subject Access Request (SAR) form is available from the School office. It **is not** mandatory to make a Subject Access Request using the form. It will, however, assist you in structuring your SAR to provide the information necessary to ensure we can action your request without delay.

We must respond within one month of receiving a valid Subject Access Request. A SAR is only considered “valid” if we are fully satisfied regarding the identity of the requester and their entitlement to the data requested. If in any doubt we will request confirmation of identity to ensure your personal data is not inadvertently released to a third-party who is not entitled to it.

If the SAR is complex or numerous the period in which we must respond can be extended by a further two months. You will be notified of any delays in actioning the SAR and provided with a timeframe in which you can expect to receive the requested data.

### 9. How to Contact Us

If you have any questions or concerns about how we process information or wish to exercise any data protection rights, please contact the School in the first instance.

If you have concerns that we are not able to resolve to your satisfaction you can contact our Data Protection Officer at the email address below.

Alternatively, you can register a concern with the UK’s data protection regulator - the Information Commissioner’s Office, by following this link <https://ico.org.uk/make-a-complaint/>

#### Contact Details

**Data Controller:** Lea Nursery School, Wexham Road, Slough, SL2 5JW

**Data Controller’s Representative:** Nikki Elsmore-Cary, Headteacher. Email: [post@lea-nursery.slough.sch.uk](mailto:post@lea-nursery.slough.sch.uk)

**Data Protection Officer:** Dee Whitmore. Email: [DPOService@Schoolspeople.co.uk](mailto:DPOService@Schoolspeople.co.uk)

### 10. Changes to this Privacy Notice

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This Notice will be reviewed on a yearly basis or as necessary in relation to changes in Data Protection legislation.

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates.

We may also notify you in other ways from time to time about the processing of your personal information.

Effective Date: May 2018

Last update: June 2019

Review Date: June 2020