

Pupil Privacy Notice Fishburn Primary School



1. Who we are and what we do

Fishburn Primary School are the Data Controller for your information and as such we must state how and why personal data is processed, we must also abide by data protection laws including the introduction of GDPR from 25 May 2018.

This statement is aimed at explaining our responsibilities, please contact the school if you require additional information. If you wish to read more about GDPR, the Information Commissioner's Office website is an excellent resource at www.ico.org.uk.

2. What type of personal information do we collect and how do we collect it?

We collect a range of information using paper and electronic forms which enables us to fulfil our statutory duty to deliver primary (including nursery) education to our pupils.

We collect the following personal information about you/your child:

- Personal information (such as name, unique pupil number and address etc.)
- Any relevant medical information
- Information relating to special educational needs and disabilities
- Exclusions and behavioural information
- Assessment information
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Photographs (relating to lessons and assessments, and marketing e.g. website and social media)
- Attendance information (such as sessions attended, number of absences and reasons)

How You collect Personal 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.

We collect information about you in the following ways:

- Paper forms on admission to Nursery or School
- Electronic forms
- Updating of pupil data collection sheets on a fairly regular basis/use of SIMS App Lite
- Through correspondence, questionnaires and telephone calls (such as comments relating to the quality of service we provide)

3. What is our power to obtain and use the personal data?

We collect and use pupil information lawfully under Article 6 and Article 9 of the GDPR, the Education Act 1996, Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

We will only collect and use your information when the law allows us to (this is the lawful basis covered in Article 6). Most often, we will use your information where there is a:

- **Legal obligation:** it is necessary to meet a legal obligation such as reporting concerns to Children's Services
- **Vital Interests :** it is necessary to protect someone in an emergency
- **Legitimate Interests** – the processing is necessary for the purpose of legitimate interests. This allows us to provide an educational service to your child, safeguard and promote the welfare of your and other children and ensuring that all legal obligations of the school are complied with.
- **Public task:** the processing is necessary for us to perform a task in the public interest or for our official functions.

Sometimes, we may also use your personal information in following ways:

- **Consent:** You or a legal representative have given consent.
- **Contract :** You have entered a contract with us, for example, we need your contact details so we can update you on your child's progress and so we can contact you if we have a concern.

Special Category Data

Special category data is any personal information that is one or more of these eight categories:

- a) Racial or ethnic origin
- b) Political opinions
- c) Religious or philosophical beliefs
- d) Trade union membership
- e) Genetic data
- f) Biometric data
- g) Health Data

Article 9

Applicable Conditions for processing special category data are known under Article 9.

When we collect special category personal information we rely on one of the following:

Explicit consent You or your representative gave us explicit consent.

Comply with a law We need this for Employment, or Social Security or Social Protection Law.

Vital Interests. Someone is in danger and who cannot give consent such as someone who is seriously ill.

Public Domain: you have made your information publicly available

Legal Rights: We need it for a legal case or a legal reason such as sharing information with our legal advisers and/or insurers to defend a legal case.

Substantial Public Interest. The processing is necessary to benefit society as a whole.

Public Health it is necessary to protect public health such as an outbreak of a contagious illness in school.

Archiving, Research or Statistical Purposes. We use it for archiving, research, or statistical purposes such as monitoring the quality of teaching and learning.

Some of the reasons listed above for collecting and using your information overlap, and there may be several grounds which mean we can use your data.

4. What is your personal information used for?

The school collects data to fulfil the following responsibilities:

- To support pupil learning
- To monitor and report on pupil progress
- To provide appropriate pastoral care
- To assess the quality of our services
- To comply with the law regarding data sharing

5. Will your personal information be shared?

Fishburn Primary School will not share your personal information with any third party without your consent, unless the law or our policies allow us to do so. The school routinely shares information with:

- Schools that pupils attend after leaving us
- Local Education Authority - Durham County Council – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions
- The Department for Education (DFE) - to meet our legal obligations to share certain information such as progress, school funding and free school meal data
- School Nurse and health services – to support the welfare of the student including relevant inoculation
- One Point including Safeguarding Services
- The pupil's family and representatives – to support learning and welfare
- Our regulator Ofsted, - to monitor quality and effectiveness
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Professional advisers, consultants and students – to support educational needs, social, emotional and mental health
- Charities and voluntary organisations – to support breadth of curriculum (if additional consent is required it will be sought prior to engagement of these services).
- Police forces, courts, tribunals- to meet our legal obligations to share certain information
- CPOMS – used to record child protection and behaviour/incidents in school providing chronology of events

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>

6. How do we keep your personal information secure?

The security of your paper and electronic personal information is important to us. This is why we follow a range of security policies and procedures to control and safeguard access to and use of your personal information.

7. How long will we keep your personal information?

Any data not passed to the receiving school will be held for child's date of birth plus 25 years then securely disposed of. This is inline with the maintained schools data retention guidelines

http://ldbsact.org/download/policies/Document%20Retention%20Schedule_Nov15.pdf

8. Is your personal information processed outside the European Economic Community (EEC)?

Where we share data with an organisation that is based outside of the European Economic Area, we will protect your data by following Data Protection law.

9. Marketing

At no time will your information be passed to organisations external to us and our partners for marketing or sales purposes or for any commercial use without your prior express consent.

10. What are your Information Rights?

Your Information Rights are set out in the law. Subject to some legal exceptions, you have the right to:

to have any inaccuracies corrected;

to have your personal data erased;
to place a restriction on our processing of your data;
to object to processing; and
to request your data to be ported (data portability).

To exercise any of these rights or request information on the personal information that is held, please contact the school – fishburn@durhamlearning.net

To learn more about these rights please see the [ICO website](#).

If something goes wrong with your personal information, or you have questions about how we use it, please contact Melody Hockaday the Data Protection Officer by emailing m.hockaday200@fishburn.durham.sch.uk/fishburn@durhamlearning.net or by calling 01740 620162.

If we have not been able to deal with your complaint, you can also contact the [Information Commissioner's Office](#)

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745

Fax: 01625 524 510