

# **Privacy Notice - for pupils**

**Policy Number: STAT008**

**Governor Committee: H,S&P**

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## Policy Review

This policy will be reviewed in full by the Governing Body no less than annually.

The policy was last reviewed and agreed by the Governing Body on 26.01.2022  
It is due for review in 12 months from the above date.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Head Teacher**

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Chair of Governors**

## **PRIVACY NOTICE FOR PUPILS ATTENDING Hitchin Boys' School**

Hitchin Boys' School collects a lot of data and information about our pupils so that we can run effectively as a school. This privacy notice explains how and why we collect pupils' data, what we do with it and what rights parents and pupils have.

Privacy Notice (How we use pupil information)

Hitchin Boys' School is a Secondary academy trust. Our Data Protection Officer can be contacted on the school phone number or by email (dpo@hitchinboys.co.uk)

### **Why do we collect and use pupil information?**

We collect and use pupil information under section 537A of the Education Act 1996, section 83 of the Children Act 1989, and to carry out tasks in the public interest. If we need to collect special category (sensitive) personal information, we rely upon reasons of substantial public interest (equality of opportunity or treatment).

We collect and use pupil information under the following lawful bases under the UK General Data Protection Regulation (UK GDPR): where we have the consent of the data subject (Article 6 (a));

- a. where it is necessary for compliance with a legal obligation (Article 6 (c));
- b. where processing is necessary to protect the vital interests of the data subject or another person (Article 6(d));
- c. where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (Article 6 (e)).
- d. where processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party (Article 6 (f)).

Where the personal data we collect about pupils is sensitive personal data, we will only process it where:

- a. we have explicit consent [Article 9 (2)(a)];
- b. processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent [Article 9 (2)(c)]; and / or

- c. processing is necessary for reasons of substantial public interest, and is authorised by UK law (see section 10 of the 2018 Data Protection Act) [Article 9 (2)(g)].

Please see our Data Protection Policy for a definition of sensitive personal data.

We use the pupil data to support our statutory functions of running a school, in particular:

- a. to decide who to admit to the school;
- b. to support pupil learning;
- c. to monitor and report on pupil progress;
- d. to provide appropriate pastoral care;
- e. to assess the quality of our services;
- f. to comply with the law regarding data sharing;
- g. for the protection and welfare of pupils and others in the school;
- h. for the safe and orderly running of the school;
- i. to promote the school;
- j. to communicate with parents / carers.
- k. to complete the annual School census

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

- a. Personal information (such as name, unique pupil number and address);
- b. Characteristics (such as ethnicity, language, medical conditions, nationality, country of birth and free school meal eligibility);
- c. Attendance information (such as sessions attended, number of absences and absence reasons)
- d. Assessment information (such as key stage 2 scaled scores, fisher family trust target grades, termly progress check data, internal exam results, key stage 4 & 5 external exam results)
- e. Relevant medical Information (such as
- f. Special educational needs information (such as
- g. Behaviour information (such as achievement and behaviour points, exclusions)

From time to time and in certain circumstances, we might also process personal data about pupils, some of which might be sensitive personal data, including information about criminal proceedings / convictions, information about sex life and sexual orientation, child protection / safeguarding. This information is not routinely collected about pupils and is only likely to be processed by the school in specific circumstances relating to particular pupils, for example, if a child protection issue arises or if a pupil is involved in a criminal matter. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and / or the Police. Such

information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

We collect information about pupils when they join the school and update it during their time on the roll as and when new information is acquired.

As the school has a cashless catering system, we also process biometric data about pupils. Please see our Data Protection Policy for more details about how we process biometric data.

### **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 GDPR, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this. Where appropriate, we will ask parents/ pupils 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 website or on social media to promote school activities. Parents / pupils may withdraw consent at any time.

When pupils are deemed to be old enough to make their own decisions in relation to their personal data, we will also ask the pupil for their consent in these circumstances. This will usually be around the age of 13. Although parental consent is unlikely to be needed, we wish to take a collaborative approach so we will keep parents informed when we are approaching pupils for consent up to the age of 16. Pupils with the maturity to make their own decisions about their personal data may withdraw consent if consent has previously been given.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and pupils. CCTV footage may be referred to during the course of disciplinary procedures (for staff or pupils) or investigate other issues. CCTV footage involving pupils will only be processed to the extent that it is lawful to do so. Please see our CCTV policy for more details.

### **Storing pupil data**

We hold pupil data securely and have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. Access to information is limited to those who have a business need to know it and who are subject a duty of confidentiality.

A significant amount of personal data is stored electronically, for example, on our MIS database. Some information may also be stored in hard copy format.

Data stored electronically may be saved on a cloud-based system which may be hosted in a different country.

Personal data may be transferred to other countries if, for example, we are arranging a school trip to a different country. Appropriate steps will be taken to keep the data secure.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach involving your data where we are legally required to do so.

When a pupil moves to another educational setting or school phase, the vast majority of information that we hold will move to that setting, although we may need to retain a certain amount of personal data. Where we act as the final setting in a student's education, we are required to retain some personal information for a period after they have left

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

We routinely share pupil information with:

- schools that pupils attend after leaving us;
- our local authority Hertfordshire;
- commissioned providers of local authority services [e.g. Herts for Learning Ltd]
- a pupil's home local authority (if different);
- the Department for Education (DfE);
- school governors / trustees;
- exam boards;

From time to time, we may also share pupil information with other third parties including the following:

- the Police and law enforcement agencies;
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers;
- Courts, if ordered to do so;
- the National College for Teaching and Learning;
- the Joint Council for Qualifications;
- Prevent teams in accordance with the Prevent Duty on schools;
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances;
- UCAS

- Connexions;
- our legal advisors;
- our insurance providers / the Risk Protection Arrangement;
- our counsellors;
- School nurses;

Some of the above organisations may also be Data Controllers in their own right in which case we will be joint controllers of your personal data and may be jointly liable in the event of any data breaches.

We may also share pupil data with a number of providers of software tools which may be used to: support pupil learning; monitor and report on pupil attainment and progress; deliver the educational curriculum; ensure the safety and wellbeing of pupils; communicate with parents; or to carry out other operational processes to support our core activities as a public authority, under Article 6(e) of the UK GDPR. These providers act as data processors on our behalf, and are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow them to use your personal data for their own purposes, and we only permit them to process your personal data for specified purposes and in accordance with our instructions.

In the event that we share personal data about pupils with third parties or data processors, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data. Where necessary, we will carry out a Data Protection Impact Assessment (DPIA) to assess any risks involved.

### **Aged 14+ qualifications**

For pupils enrolling for post 14 qualifications, the information you supply is used by the Learning Records Service (LRS). The LRS issues Unique Learner Numbers (ULN) and creates Personal Learning records across England, Wales and Northern Ireland, and is operated by the Education and Skills Funding Agency, an executive agency of the Department for Education (DfE). The LRS will give us a pupil's ULN and may also give us details about the pupil's learning or qualifications. For more information about how your information is processed, and to access your Personal Learning Record, please refer to: <https://www.gov.uk/government/publications/lrs-privacy-notice/lrs-privacy-notice#tier-2-privacy-notice-text>

### **Why we share pupil information**

We do not share information about our pupils with anyone without consent unless the law allows 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 the (DfE) under regulation 5 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**

#### **What is different about 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 / 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.

#### **Our 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 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 <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 DfE 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, pupils, and in some circumstances, parents, have the right to request access to information about them that we hold (“Subject Access Request”). From the age of 13, we generally regard pupils as having the capacity to exercise their own rights in relation to their personal data. This means that where we consider a pupil to have sufficient maturity to understand their own rights, we will require a Subject Access Request to be made by the pupil and not their parent(s) on their behalf. This does not affect any separate statutory right parents might have to access information about their child.

Subject to the section below, the legal timescales for the School to respond to a Subject Access Request is one calendar month. As the School has limited staff resources outside of term time, we encourage parents / pupils to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. [For further information about how we handle Subject Access Requests, please see our Data Protection Policy].

Parents of pupils who attend academies have a separate statutory right to receive an annual written report setting out their child’s attainment for the main subject areas which are taught. This is an independent legal right of parents rather than a pupil’s own legal right which falls outside of the UK GDPR, therefore a pupil’s consent is not required even a pupil is able to make their own decisions in relation to their personal data, unless a court order is in place which states otherwise.

The term “parent” is widely defined in education law to include the natural or adoptive parents (regardless of whether parents are or were married, whether a father is named on a birth certificate or has parental responsibility for the pupil, with whom the pupil lives or whether the pupil has contact with that parent), and also includes non-parents who have parental responsibility for the pupil, or with whom the pupil lives. It is therefore possible for a pupil to have several “parents” for the purposes of education law.

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 our data protection responsibilities.

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to 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 our dpo, [dpo@hitchinboys.co.uk](mailto:dpo@hitchinboys.co.uk).