



Milby Primary School

Privacy notice for parents, carers and pupils – how we use your information

2020-2021

Who are we?

Milby Primary School is the 'data controller'. This means we are responsible for how your personal information is processed and for what purposes.

Milby Primary School is registered as the Data Controller with the Information Commissioner's Office (ICO); Registration Number: Z6734214.

You can contact the school as the Data Controller in writing at:

Milby Primary School, Milby Drive, Nuneaton, CV11 6JS or admin2631@welearn365.com.

What is a privacy notice?

A Privacy Notice sets out to individuals how we use any personal information that we hold about them. We are required to publish this information by data protection legislation. This Privacy Notice explains how we process (collect, store, use and share) personal information about our pupils and parents.

What is personal information?

Personal information relates to a living individual who can be identified from that information. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession.

'Special category' personal information relates to personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

What personal information do we process about pupils and parents?

The pupil and parent/carers information that we collect, hold and share includes:

- Personal information including a pupil's name, date of birth, unique pupil number and home address
- Characteristics such as ethnicity, language, nationality, country of birth and free school meal eligibility

- Attendance information such as sessions attended, number of absences and absence reasons
- Educational information including records of work, assessment results, relevant medical information, details of pupils' special educational needs, exclusions/behavioural information
- Contact information for parents, carers and other relatives, including telephone numbers, home addresses and e-mail addresses
- Information about a child's home life, where required as part of necessary safeguarding and welfare processes

Why do we use personal information?

We use pupil data to:

- support pupil learning
- monitor and report on pupil progress
- provide appropriate pastoral care
- assess the quality of our services
- comply with the law regarding data sharing
- safeguard pupils
- share medical information with health professionals

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 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.

What are the legal reasons for us to process your personal information?

We are required to process personal information in accordance with data protection legislation and only do so when the law allows us to. The lawful reasons we have for processing personal information are as follows:

1) To comply with the law

We collect and use general purpose pupil information in order to meet certain legal requirements and legal obligations placed upon the school by UK law. We therefore are required to process personal information for such purposes even if you have not consented to us doing so.

Details of the type of processing that we must undertake, the personal data that is processed, the legislation which requires us to do so and who we may share this information with is set out in Table 1.

If you would like a copy of, or further information regarding the statutory authorities that underpin our legal obligations, you should contact the school in writing.

2) To protect someone's vital interests

We are able to process personal information when there is an emergency and/or where a person's life is in danger.

Details of the type of processing that we may undertake on this basis and who we may share that information with is set out in Table 2.

3) With the consent of the individual to whom that information ‘belongs’

Whilst much of the personal information processed is in accordance with a legal requirement, there is some personal information that we can only process when we have your consent to do so. In these circumstances, we will provide you with specific and explicit information regarding the reasons the data is being collected and how the data will be used.

Details of the type of processing that we may undertake on this basis and who we may share that information with is set out in Table 3.

4) To perform a public task

It is a day-to-day function of the school to ensure that children receive the education and support they require. Much of this work is not set out directly in any legislation but it is deemed to be necessary in order to ensure that pupils are properly educated and supported.

Details of the type of processing that we may undertake on this basis and who we may share that information with is set out in Table 4.

Please be aware that an individual has the right to object to any processing where it is likely to cause, or is causing harm or distress. To exercise this right, individuals should do so by contacting the school to inform them of their reasons for the objection. These reasons should relate to your specific circumstances. Upon receipt of an objection, the school will consider the reasons for the objection and balance this against the legitimate grounds to process data.

5) We have a legitimate interest

Occasionally we have reasons to process information which falls outside of our usual day-to-day school functions. Details of the type of processing that we may undertake on this basis are set out in Table 5.

Please be aware that an individual has the right to object to any processing where it is likely to cause or is causing harm or distress. To exercise this right, individuals should do so by contacting the school to inform them of their reasons for the objection. These reasons should relate to your specific circumstances. Upon receipt of an objection, the school will consider the reasons for the objection and balance this against the legitimate grounds to process data.

Special category personal information

In order to process ‘special category’ data, we must be able to demonstrate how the law allows us to do so. In addition to the lawful reasons above, we must also be satisfied that **ONE** of the following additional lawful reasons applies:

- I. explicit consent of the data subject
- II. processing relates to personal data which is manifestly made public by the data subject
- III. necessary for establishing, exercising or defending legal claims
- IV. necessary for reasons of substantial public interest
- V. necessary for preventive or occupational medicine, or for reasons of public interest in the area of public health

VI. necessary for archiving, historical research or statistical purposes in the public interest

The lawful reasons for each type of special category personal information data that we process is set out in the tables attached.

Who might we share your information with?

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our local authority / another local authority if child moves out of area
- the Department for Education (DfE)
- NHS
- school nursing service
- Public Health and other public health agencies
- Information management software: SIMS, Wonde, OTrack
- Educational websites and apps: Education City, Times Tables Rockstars
- conferencing software for homework and home learning: Microsoft Teams

We do not share information about our pupils or parents/carers unless the law and our policies allow us to do so.

Please refer to the tables for information about what personal information is shared with which specific third parties.

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>.

What do we do with your information?

All personal information is held in a manner which is compliant with data protection legislation. Personal information is only processed for the purpose it was collected. The school monitors the personal information it processes and will only share personal information with a third party if it has a legal basis to do so (as set out above).

NHS Test and Trace/Public Health agencies:

It may be necessary for us to share limited information with the above agencies in the event that an individual tests positive for coronavirus COVID-19, or if there is a coronavirus COVID-19 outbreak. This will enable the named agencies to liaise with families to provide advice and support, and to take appropriate steps in responding to an outbreak.

How long do we keep your information for?

In retaining personal information, the school complies with the Retention Schedules provided by the Information Record Management Society. The schedules set out the Statutory Provisions under which the school are required to retain the information.

A copy of those schedules can be located using the following link:

<http://irms.org.uk/page/SchoolsToolkit>

Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

What are your rights with respect of your personal information?

Under data protection law, parents/carers and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or to have access to your child's educational record, contact the School Data Protection Officer at Warwickshire Legal Services via email at schooldpo@warwickshire.gov.uk or alternatively;

School Data Protection Officer
Warwickshire Legal Services
Warwickshire County Council
Shire Hall
Market Square
Warwick
CV34 4RL

Please ensure you specify which school your request relates to.

Where the school processes data for the purposes of legitimate interests or to fulfil their public task, individuals have a right to object to the processing where it is likely to cause, or is causing, harm or distress. When exercising this right, individuals should contact the school to inform them of their reasons for their objection. The school will consider the reasons for any objection and assess the risk to the individual against the purposes for the processing. In the event the school is unable to comply with an objection, we will ensure we can demonstrate compelling legitimate grounds to continue with the processing.

You also have the right to:

- 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 the Data Protection regulations

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/>

Review

The content of this Privacy Notice is reviewed annually. The next review will take place in September 2021.

Table 1 – Personal information we are required to process to comply with the law:

Information type	Relevant legislation	Special category– additional lawful reason	Third parties with whom we share the information	Lawful reason for sharing
Special Educational Needs report	Children’s and Families Act 2014, section 69		Local authority	Legal obligation
Attendance register	Education (Pupil Registration) (England) Regulations 2006, Regulation 4, 10, 11 and 12		Ofsted, Local authority	Legal obligation
Common transfer file	Education (Pupil Registration) (England) Regulations 2005, Regulation 6		School pupil transfers to	Legal obligation
Safeguarding information	Education Act 2002, section 175 Children’s Act 1989, Section 17, 47, 83. Children’s Act 2004, Section 11		Local authority, Children’s services, other statutory agencies	Legal obligation
Admissions register	Education (Pupil Registration) (England) Regulations 2006, Regulation 4, 10, 11, 14 and 15		Ofsted, Local authority	Legal obligation
Curricular record including assessment and achievement data	Education (Pupil Information) (England) Regulations 2005, Regulation 4		Ofsted, local school. Local authority	Legal obligation
Educational record	Education (Pupil Information) (England) Regulations 2005, Regulation 5 and 6		Parents, local school	Legal obligation
Pupil information i.e name, age address, emergency contact details	Education (Information About Individual Pupils) (England) Regulations 2013, Regulation 3 and 5		Department of Education – school census. Other schools – when pupils transfers	Legal obligation
Medical/ dietary/ allergies		Necessary for preventative or occupational medicine	Department of Education – school census. Other schools – when pupils transfers	Legal obligation
School census	Education Act 1996, Sections 537 & 537A, and accompanying regulations		Department for Education	Legal obligation
Staff information, including personal details, DBS check, qualifications	Education Act 2005, section 114		Secretary of State, Warwickshire County Council, Disclosure and Barring Service	Legal obligation

Table 2 – Personal information we are required to process as it is necessary to protect someone’s vital interests

Information type	Special category - additional lawful reason	Third parties with whom we share the information	Lawful reason for sharing
Medical information	Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent’	Medical staff i.e. paramedics/ambulance	Vital interest
Religious belief	Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent’	Medical staff i.e. paramedics/ambulance	Vital interest

Table 3 - Personal information we are required to process with the consent of the individual to whom that information ‘belongs’

Information type	Special category - additional lawful reason	Third parties with whom we share the information	Lawful reason for sharing
Photographs		Government agencies, eg Department for Education, The Warwickshire Consortium of Teaching Schools	Consent
Name		Tapestry – record of work for Foundation stage pupils	Consent
Email address		Tapestry – record of work for Foundation stage pupils	Consent

Table 4 - Personal information we are required to process because it is necessary to do so in order to perform a public task – please note that the right to object will apply to this processing, please see the section above that refers to ‘*What are your rights with respect of your personal information?*’

Information type	Special category - additional lawful reason	Third parties with whom we share the information	Lawful reason for sharing
Pupil information i.e. name, age address, parent details, emergency contact details		Department for Education – school census. Other schools – when pupil transfers	Legal obligation
Academic progress data including Learning journals, staff observations, annual report		Ofsted, parents, health such as speech and language	Public task and/or legal obligation
Safeguarding information, Medical, Special Education Needs		Local authority, health, parents	Legal obligation
Educational and safeguarding information used internally for the purpose of educating and protecting the welfare of children.		Designated safeguarding leads, relevant staff employed at the school	Legal obligation
Name		Public Health and other public health agencies	Public task
Date of birth		Public Health and other public health agencies	Public task
Year group		Public Health and other public health agencies	Public task
Parent contact number		Public Health and other public health agencies Parent communication system (ParentMail) SIMS ParentLite contact information update tool	Public task
Parent email address		Parent communication system (ParentMail) SIMS ParentLite contact information update tool	Public task
Results of COVID-19 testing	Necessary for reasons of public health	Public Health and other public health agencies	Public task

Table 5 – Personal information we process because we have a legitimate interest

Information type	Special category - additional lawful reason	Third parties with whom we share the information	Lawful reason for sharing
Images captured on our CCTV system		This is not routinely shared	n/a