



## South East Cornwall Multi Academy Regional Trust

Dobwalls Primary School, Landulph Primary School, Liskeard School and Community College,  
Looe Community Academy, saltash.net Community School, and Trewidland Primary School and Pre-School

### Privacy Notice for our Pupils (how we use pupil information)

#### About us

We, at SMART, are a data controller for the purposes of the General Data Protection Regulation (GDPR). This means that we are responsible for deciding how we hold and use personal information about you. We are required, under data protection legislation, to tell you what information we hold about you, why we hold it, how we use it and to tell you about your rights.

This notice applies to current and former pupils of the Trust.

#### Data protection principles

We will comply with data protection laws.

This says that the personal information we hold about you must be:

- used lawfully, fairly and in a transparent way;
- collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- relevant to the purposes we have told you about and limited only to those purposes;
- accurate and kept up to date;
- kept only as long as is necessary for the purposes we have told you about;
- kept securely.

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

- personal identifiers and contacts (such as, but not limited to, name, address, contact details, unique pupil number, photographic and CCTV images);
- characteristics (such as, but not limited to, ethnicity, gender, language, nationality, country of birth, and free school meal eligibility);
- safeguarding information (such as, but not limited to, court orders and professional involvement);
- special educational needs (including the needs and ranking);
- medical and medical administration (such as, but not limited to, doctors information, child health, dental health, allergies, medication and dietary requirements)
- attendance information (such as, but not limited to, sessions attended, number of absences, absence reasons and any previous schools attended);
- assessment and attainment (such as, but not limited to, Key Stage 1 and phonics results, post 16 courses enrolled for and any relevant results);
- behavioural information (such as, but not limited to, exclusions and any relevant alternative provision put in place);
- biometric-related information (certain Academies use finger recognition systems; please note that fingerprints are not processed);
- out of school activity information (such as, but not limited to, passport and European Health Insurance Card).

#### Why we collect and use this information

We use our pupil data:

- to support pupil learning;
- to monitor and report on pupil attainment and progress;
- to provide appropriate pastoral care;
- to assess the quality of our services;
- to safeguard, promote wellbeing and ensure health and safety;
- to comply with the law regarding data sharing;

- to meet the statutory duties placed upon us for DfE data collections;
- to provide an efficient dining experience;
- to support the management of school trips and provision outside of the school day.

### **The lawful basis on which we use this information**

SMART receives public money from the Secretary of State for Education to efficiently and effectively operate our academies as independent schools that provide education and safeguard and promote the welfare of pupils under the requirements of the various education and pupil-related legislation, including, but not limited to:

- Education Act 1996
- Education Act 2002
- Education (Information about Individual Pupils) (England) Regulations 2013
- Education (Independent School Standards) Regulations 2014

To do this, we collect and process pupil information in order to fulfil our public task, meet our legal obligations and to act in the substantial public interest.

We use pupil information to perform the contract we have entered into with pupils and their parents/carers relating to our provision of education;

We occasionally need to use pupil information 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.

We use pupil information for the provision of health or social care or treatment or for the management of health or social care systems and services.

We use finger-imaging software (but not fingerprints) to provide an efficient dining service, but are mindful of our obligations under the Protection of Freedoms Act 2012, and therefore operate this biometric-related system on an explicit consent only basis.

We occasionally need to use pupil information, including special category data, in the establishment, exercise or defence of legal claims.

We may use pupil images beyond that of pupil identification under our public task, but we will do so only with explicit consent.

We also use pupil information where it is necessary for our legitimate interests, or those of a third party, and where the pupil's interests and their fundamental rights do not override those interests.

We use cookies (text files containing an identification number that are written to your device) to manage authentication, navigation and other functions as part of providing an efficient website, but will ask for your consent. You may withdraw your consent at any time by updating the cookies settings on your device.

### **Collecting pupil information**

While the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis.

We will inform you whether you are required to provide certain pupil information to us and will make it clear if you have a choice in this, so that you can decide whether to consent. If you do consent, your consent can be withdrawn at any time by contacting us, although our use of the information before you withdraw your consent remains valid.

### **Retaining pupil data**

We will only retain pupil data for as long as is necessary for the purpose for which we collected the data. Generally speaking:

- the majority of primary school pupil information will be retained for the period in which the pupil remains on the school roll, plus a further two months to allow the data to be transferred to the pupil's next school (which may be outside of SMART);
- secondary school and sixth form pupil information will be retained until the data subject's date of birth plus 25 years to satisfy the provisions of the Limitation Act 1980.

Certain other categories of data, for example, safeguarding or in relation to special educational needs, may be kept for longer in accordance with guidance from the DfE or the Local Authority.

Certain information may be retained for SMART's historical records.

More detailed information on this is contained in our retention schedule, which can be found within our Data Management Policy.

### Who we share pupil information with

We routinely share pupil information with:

- schools that the pupil's attend after leaving the Trust;
- youth support services (pupils aged 13+)
- Cornwall Council and the sponsoring Local Authority of any students placed with us;
- the Department for Education (DfE);
- NHS, including the School Nurse Team.

We share specific, relevant elements of pupil information with:

- selected educational support providers that improve the quality of education or the efficiency of our provision;
- our legal advisors;
- our insurers.

In addition, we also use third party software systems or service providers to host, but not process or access, our pupil data:

- information management systems;
- online payments providers;
- cashless catering systems;
- safeguarding management and reporting systems.

### Why we share pupil information

We may share pupil personal information with third parties (other organisations) where required by law, where it is necessary for the provision of education, where it is in the data subject's interests for us to do so or where we have another legitimate interest in doing so.

We share pupil information 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.

The law requires us to share pupil information with specific authorities, including Children's Social Care and other local agencies, if it is for the purposes of safeguarding.

Information that could be relevant to keeping a child safe will be shared so that informed decisions can be made about a child's welfare in order to keep children safe and to ensure they get the support they need.

### 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) please go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

### Department for Education

The Department for Education (DfE) collects personal data from educational settings and Local Authorities via various statutory data collections. We are required to share information about our pupils with the

Department for Education (DfE) either directly or via our Local Authority for the purpose of those data collections, under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by DfE under a combination of software and hardware controls, which meet the current [government security policy framework](#).

For more information, please see 'How Government uses your data' section below.

### **Youth support services**

#### **a. 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

The information shared is limited to the child's name, address and date of birth.

However where a parent/carer provides their consent, other information relevant to the provision of youth support services will be shared.

This right is transferred to the pupil once they reach the age 16.

Data is securely transferred to the youth support service.

#### **b. 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

Data is securely transferred to the youth support service.

#### **c. Further information**

For more information about services for young people, please visit our Local Authority website.

### **Requesting access to your personal data**

Under data protection laws, parents and pupils have the right to request access to information about them that we hold.

To make a request for your personal information, or be given access to your child's educational record, contact your School Office.

### **Your rights**

Pupils and parents 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 the Data Protection regulations.

## Concerns

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance.

Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

## Data security

We have put in place measures to protect the security of your information.

Details of these measures are available in our Data Protection and Data Management policies, which can be found on our website.

Third parties (other organisations) will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

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

In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a genuine need to know.

They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

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

## Data Protection Officer

We have appointed a Data Protection Officer (DPO) to oversee compliance with this privacy notice.

If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

If you would like to discuss anything in this privacy notice, please contact:

SMART DPO - Steve Green - 01503 262625 - [sgreen@looe.cornwall.sch.uk](mailto:sgreen@looe.cornwall.sch.uk)

Annex:

A. How Government uses your data.

### 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 and school accountability and intervention (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).

### 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>

### 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>

### Sharing by the Department

The law allows the Department to share pupils' personal data with certain third parties, including:

- schools;
- local authorities;
- researchers;
- organisations connected with promoting the education or wellbeing of children in England;
- other government departments and agencies;
- organisations fighting or identifying crime.

For more information about the Department's NPD data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime.

While numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website:

<https://www.gov.uk/government/publications/dfе-external-data-shares>

To contact DfE: <https://www.gov.uk/contact-dfe>