

# Privacy Notice for Parents and Carers - Use of Your Own Personal Data



## Equalities Statement

In our Trust we work to ensure that there is equality of opportunity for all members of our community who hold a range of protected characteristics as defined by the Equality Act 2010, as well as having regard to other factors which have the potential to cause inequality, such as socio-economic factors.

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**Contents**

- 1. Introduction..... 3
- 2. The personal data we hold..... 3
- 3. Why we use this data..... 3
- 4. Our legal basis for using this data..... 4
  - 4.1 Our basis for using special category data..... 4
- 5. Collecting this information..... 5
- 6. How we store this data..... 5
- 7. Data sharing..... 6
  - 7.1 Transferring data internationally..... 6
- 8. Your Rights..... 6
  - 8.1 How to access personal information that we hold about you..... 6
  - 8.2 Other Rights..... 7
- 9. Complaints..... 7
- 10. Contact us..... 8

## **1. Introduction**

Under data protection law, 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 we collect, store and use personal data about parents and carers of pupils at our schools.

We, Swale Academies Trust, Ashdown House, Johnson Road, Sittingbourne, ME10 1JS, are the 'data controller' for the purposes of data protection law.

Our data protection officer is Invicta Law Ltd (see 'Contact us' below).

## **2. The personal data we hold**

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

- Contact details and contact preferences (such as your name, address, email address and telephone numbers);
- Bank details;
- Details of your family circumstances;
- Details of any safeguarding information including court orders or professional involvement;
- Records of your correspondence and contact with us;
- Details of any complaints you have made.
- Information about your use of our information and communication systems, equipment and facilities.

We may also collect, use, store and share (when appropriate) information about you that falls into 'special categories' of more sensitive personal data. This includes, but is not restricted to:

- Information about any health conditions you have that we need to be aware of;
- Photographs and CCTV images captured in school

We may also hold data about you that we have received from other organisations, including other schools and social services.

## **3. Why we use this data**

We use this data to:

- Report to you on your child's attainment and progress;
- Keep you informed about the running of the school (such as emergency closures) and events;
- Process payments for school services and clubs;
- Provide appropriate pastoral care;
- Protect pupil welfare;
- Administer admissions waiting lists;
- Assess the quality of our services;
- Carry out research;
- Comply with our legal and statutory obligations;
- Make sure our information and communication systems, equipment and facilities are used appropriately, legally and safely.

We will only use your personal information for the purposes for which we have collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

#### **4. Our legal basis for using this data**

We only collect and use personal data when the law allows us to. Most commonly, we process it where:

- We need to comply with a legal obligation;
- We need it to perform an official task in the public interest.

Less commonly, we may also process personal data in situations where:

- We have obtained consent to use it in a certain way;
- We need to protect the individual's vital interests (or someone else's interests).

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

##### **4.1 Our basis for using special category data**

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and 1 of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your personal data in a certain way;
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law;
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent;
- The data concerned has already been made manifestly public by you;
- We need to process it for the establishment, exercise or defence of legal claims;
- We need to process it for reasons of substantial public interest as defined in legislation;
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law;
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law;
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest;

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way;
- We need to protect an individual's vital interests (i.e. protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent;
- The data concerned has already been made manifestly public by you;
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights;
- We need to process it for reasons of substantial public interest as defined in legislation

## **5. Collecting this information**

While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities;
- Government departments or agencies;
- Your child/ren;
- Police forces, courts or tribunals;
- Other schools/Trusts.

## **6. How we store this data**

We keep personal information about you while your child is attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. Our record retention schedule sets out how long we keep information.

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.

We will dispose of your personal data securely when we no longer need it.

## **7. Data sharing**

We do not share information about you with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about you with:

- *Our local authorities;*
- *Government departments or agencies;*
- *The Department for Education;*
- *Our regulator, Ofsted;*
- *Suppliers and service providers;*
- *Your family and/or representatives - with written consent, to protect your vital interests*
- *Educators and examining bodies*
- *Financial organisations;*
- *Our auditors;*
- *Survey and research organisations;*
- *Health authorities;*
- *Security organisations;*
- *Health and social welfare organisations;*
- *Professional advisers and consultants;*
- *Police forces, courts and tribunals;*
- *Schools that your child may attend after leaving us.*

### **7.1 Transferring data internationally**

When we transfer personal data to a country or territory outside the UK or EU, we will do so in accordance with data protection law.

## **8. Your Rights**

### **8.1 How to access personal information that we hold about you**

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them.

If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it;
- Tell you why we are holding and processing it, and how long we will keep it for;
- Explain where we got it from, if not from you or your child;
- Tell you who it has been, or will be, shared with;
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this;
- Give you a copy of the information in an intelligible form, following a reasonable and proportionate search.

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact the school.

## 8.2 Other Rights

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress;
- Prevent it being used to send direct marketing;
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person);
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing;
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your child's personal data for a specific purpose;
- In certain circumstances, be notified of a data breach;
- Make a complaint to the ICO if you feel we have not used your information in the right way;
- Claim compensation for damages caused by a breach of the data protection regulations.

To exercise any of these rights, please contact us (see Section 10, below).

We may refuse your information rights request for legitimate reasons, which depend on why we are processing it. Some rights may not apply in these circumstances:

- Your right to have all personal data deleted or destroyed does not apply when the lawful basis for processing is 'legal obligation' or 'public task';
- Your right to receive a copy of your personal data, or have your personal data transmitted to another controller, does not apply when the lawful basis for processing is 'legal obligation', 'vital interests', 'public task' or 'legitimate interests';
- Right to object to use of your private data does not apply when the lawful basis for processing is 'contract', 'legal obligation' or 'vital interests'. If the lawful basis is 'consent', you do not have the right to object, but you do have the right to withdraw consent

## 9. Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or you have any other concern about our data processing, we encourage you to raise this with us in the first instance by completing this [Google Form](https://forms.gle/2EEVPyBTRjyDwy4t6) (<https://forms.gle/2EEVPyBTRjyDwy4t6>)

Alternatively you can email our Data Protection Officer (details at Point 10).

You also have the right to make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## 10. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact the Company Secretary in the first instance:

- [hello@swale.at](mailto:hello@swale.at)

Our DPO service is provided by:

Invicta Law Ltd, 1 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT

[dpo@invicta.law](mailto:dpo@invicta.law)

*This notice is based on the [Department for Education's model privacy notice](#) for pupils, amended for parents and to reflect the way we use data in this school.*