

# Privacy Notice for Parents and Carers - Use of your Child's 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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## 1. Introduction

Under data protection law, individuals have a right to be informed about how the school, and the Multi-Academy Trust they are part of, 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 **pupils**.

This privacy notice applies while we believe your child is not capable of understanding and exercising their own data protection rights.

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), you should instead refer to our privacy notice for pupils to see what rights they have over their own personal data.

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:

- Name;
- Contact details, contact preferences, date of birth, identification documents;
- Results of internal assessments and externally set tests;
- Pupil, curricular and communication records;
- School History information;
- Characteristics, such as ethnic background, language, religion, eligibility for free school meals, or special educational needs;
- Biometric data (such as fingerprints or facial recognition) for cashless catering, library systems, or library access;
- Exclusion information;
- Details of any medical conditions, including physical and mental health;
- Attendance and exclusion information;
- Safeguarding information;
- Details of any support received, including care packages, plans and support providers;
- Photographs/videos;
- CCTV images captured in school;
- Parental contact information.

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

### 3. Why we use this data

We use this data to:

- Support pupil learning;
- Support the delivery of remote learning and the use of educational apps and online platforms
- Monitor and report on pupil progress;
- Provide appropriate pastoral care;
- Protect pupil welfare;
- Assess the quality of our services;
- Administer admissions waiting lists;
- Carry out research;
- Administer school property;
- Comply with the law regarding data sharing;
- Ensure our information and communication systems, equipment and facilities (e.g. school computers) are used appropriately, legally and safely;
- Legal responsibility;
- Create promotional content.

We will only use your child's personal data for the purposes for which we have collected it, unless we reasonably consider that we need to use it for any other reason and that reason is incompatible with the original purpose. If we need to use your child's personal data for an unrelated purpose, we will notify you and explain the legal basis that allows us to do so.

Please note that we may process your child's personal data 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 pupils' 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 pupils' 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 we require and have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

#### **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 child's 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 child's 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 child's 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**

We will only collect and use your child's information when the law allows us to (as detailed above in Section 4)

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

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

## 6. How we store this data

We keep personal information about pupils while they are 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 or to meet our regulatory requirements. Our record retention schedule sets out how long we keep information about pupils.

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

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

## 7. Data sharing

We do not share information about pupils 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 pupils with:

- *Our local authorities – to meet our legal duties to share certain information with it, such as concerns about pupils' safety and exclusions*
- *Government departments or agencies*
- *Youth support services provider*
- *The Department for Education*
- *Your family and/or representatives - to protect your vital interests*
- *Educators and examining bodies*
- *Ofsted (the organisation or "watchdog" that supervises us)*
- *Suppliers and service providers - to fulfill a contract (a list of these can be obtained from the school office)*
- *Our auditors*
- *Health authorities*
- *Health and social welfare organisations*
- *Multi-agency safeguarding hubs (MASH) and other child protection partners;*
- *Alternative Provision (AP) providers (to ensure the continuity of your child's education and support their wellbeing if they are attending learning outside of the main school site);*
- *Professional advisors and consultants*
- *Charities and voluntary organisations*
- *Police forces, courts, tribunals*
- *Trust Employees*
- *Destination schools - to aid transition when a pupil is leaving a school*

### 7.1 National Pupil Database

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census and early years' census.

Some of this information is then stored in the [National Pupil Database](#) (NPD), which is owned and managed by the Department for Education and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with other organisations which promote children's education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use the data.

For more information, see the Department's web page on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) with any further questions about the NPD.

### 7.2 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 Parents and pupils' rights regarding personal data

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

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and if we do hold information about you or your child, 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 who will respond to your request without delay and at least within one month of receipt. However, this may be extended by up to a further two months for complex requests.

For academies there is no automatic parental right of access to the educational record.

## 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
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact the school's Data Protection Lead.

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';
- Your right to object to the use of your private data does not apply when the lawful basis for processing is 'contract', 'legal obligation' or 'vital interests'. However, if the lawful basis is 'consent' you don't 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>). We will acknowledge your complaint within 30 days of receipt and supply you with a substantive response without undue delay.

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](#) and amended to reflect the way we use data.*