

Privacy Notice for Pupils



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

You have a legal right to be informed about how our school, and Multi-Academy Trust that we are part of, uses any personal information that we hold about you. To comply with this, we provide a 'privacy notice' to you where we are processing your personal data.

This privacy notice explains how we collect, store and use personal data about you.

We, Swale Academies Trust, Ashdown House, Johnson Road, Sittingbourne, ME10 1JS, are the 'data controller' for the purposes of data protection law. This means that Swale Academies Trust decides what personal data we need to collect, why we need to collect it and how it will be handled.

Our Data Protection Officer is Invicta Law Ltd (see 'Contact us' below).

2. The personal data we hold

We hold some personal information about you to make sure we can help you learn and look after you at school.

For the same reasons, we get information about you from some other places too – like other schools, the local council and the government.

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

- Your name;
- Your contact details;
- Your test results;
- Your attendance records;
- School history;
- Details of any behaviour issues or exclusions;
- Information about how you use our information and communication systems, equipment and facilities (i.e. school computers).

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 your characteristics, like your ethnic background gender identity, first language, religious preference or any special educational needs;
- Information about any medical conditions you have;
- Photographs/videos;
- CCTV images captured in school;
- Biometric data (such as fingerprints used for cashless catering or library systems).

3. Why we use this data

We use this data to help run the school, including to:

- Get in touch with you and your parents/carers when we need to;
- Check how you're doing in exams and work out whether you or your teachers need any extra help;
- Support and facilitate remote learning and online educational platforms;
- Track how well the school as a whole is performing;
- Look after your wellbeing and keep you safe;
- Make sure our information and communication systems, equipment and facilities (e.g. school computers) are used appropriately, legally and safely;
- Comply with our legal responsibility;
- Publish statistics, for example about the number of pupils in our school;
- Create promotional content.

We will only use your personal information for the purposes for which we 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.

Please note that we may process your 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 will only collect and use your information when the law allows us to. Most often, we will use your information where:

- We need to comply with the law;
- We need to use it to carry out a task in the public interest (in order to provide you with an education);

Sometimes, we may also use your personal information where:

- You, or your parents/carers have given us permission to use it in a certain way;
- We need to protect your interests (or someone else's interest).

Where we have got permission to use your data, you or your parents/carers may withdraw this at any time. We will make this clear when we ask for permission, and explain how to go about withdrawing consent.

Some of the reasons listed above for collecting and using your information overlap, and there may be several grounds which mean we can use your data.

4.1 Our basis for using special category data

For 'special category' data (more sensitive personal information), 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 got your explicit consent to use your information in a certain way;
- We need to use your information under 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 information has already been made obviously public by you;
- We need to use it to make or defend against legal claims;
- We need to use it for reasons of substantial public interest as defined in legislation;
- We need to use it for health or social care purposes, and it's used by, or under the direction of, a professional obliged to confidentiality under law;
- We need to use it for public health reasons, and it's used by, or under the direction of, a professional obliged to confidentiality under law;
- We need to use it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the use 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 got 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 obviously public by you;
- We need to use it as part of legal proceedings, to obtain legal advice, or to make or defend against legal claims;
- We need to use it for reasons of substantial public interest as defined in legislation.

We do not always need your permission to process your personal data. Indeed, in most cases, we do so because we have a statutory obligation as a school.

There may be several grounds which justify the Trust's use of your data.

5. Collecting this information

While in most cases you, or your parents/carers, must provide the personal information we need to collect, there are some occasions when you can choose whether or not to provide the data.

We will always tell you if it's optional. If you must provide the data, we will explain what might happen if you don't.

6. How we store this data

We will keep personal information about you while you are a pupil at our school. We may also keep it after you have left the school, where we are required to by law.

We have a record retention schedule which sets out how long we must keep information about pupils.

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

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

7. Data sharing

We do not share personal information about you with anyone outside the school without permission from you or your parents/carers, unless the law and our policies allow us to do so.

Where it is legally required, or necessary for another reason allowed under data protection law, we may share personal information about you 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)*
- *Alternative Provision (AP) providers*
- *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 Department for Education (DfE)

We have to share information about you with the Department for Education either directly or via our local authority, via various statutory data collections.

The data shared will be in line with Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

The data is transferred securely and held by the Department for Education under a combination of software and hardware controls which meet the current government security policy framework.

The data we share about you with the Department for Education is used for a number of different purposes, including to:

- Help decide the amount of money that our school receives;
- Monitor how well the education system is working and how well our school is doing in terms of educating our pupils;
- Support research.

The information shared with the Department for Education about you could include:

- Your name and address;
- Your unique pupil number;
- Pupil matching reference numbers;
- Details of your gender or ethnicity;
- Details of any special educational needs (SEN);
- Details of schools attended;
- Absence and exclusion information;
- Information relating to exam results;
- Information relating to any contact with children's services;
- What you have done since finishing school

Please note: *the list above is not exhaustive.*

Once pupils in our schools reach the age of 13, we are legally required to pass on certain information to the local authority or youth services provider, which has responsibilities regarding the education or training of 13 to 19 year olds under section 507B of the Education Act 1996. Parents/carers, or pupils if aged 16 or over, can request that only their name, address and date of birth be passed to these agencies by informing the DPO.

7.2 National Pupil Database

We are required to provide information about you to the Department for Education (a government department) as part of data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](#), which is managed by the Department for Education and provides evidence on how schools are performing. This, in turn, supports research.

The database is held electronically so it can easily be turned into statistics. The information it holds is collected securely from schools, local authorities, exam boards and others.

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

You can find more information about this on the Department for Education's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) if you have any questions about the database.

7.3 Transferring data internationally

When we share data with an organisation that is based outside the UK or EU, we will protect your data by following data protection law.

8. Your rights

8.1 How to access personal information we hold about you

You can find out if we hold any personal information about you, and how we use it, by making a 'subject access request', as long as we judge that you can properly understand your rights and what they mean.

If we do hold information about you, we will:

- Give you a description of it;
- Tell you why we are holding and using it, and how long we will keep it for;
- Explain where we got it from, if not from you or your parents;
- Tell you who it has been, or will be, shared with;
- Let you know if we are using your data to make any automated decisions (decisions being taken by a computer or machine, rather than by a person);
- Give you a copy of the information, following a reasonable and proportionate search.

You may also ask us to send your personal information to another organisation electronically in certain circumstances.

If you want to make a request, please contact your school. We 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.

8.2 Your other rights over your data

You have other rights over how your personal data is used and kept safe, including the right to:

- Say that you don't want it to be used if this would cause, or is causing, harm or distress;
- Stop it being used to send you marketing materials;
- Say that you don't want it used to make automated decisions (decisions made by a computer or machine, rather than by a person);
- Have it corrected, deleted or destroyed if it is wrong, or restrict our use of it;
- Withdraw your consent, where you previously provided it for a particular reason;
- Claim compensation if the data protection rules are broken and this harms you in some way.

To exercise any of these rights, please contact the school's office.

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.
- Claim compensation if the data protection rules are broken and this harms you in some way.

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

Our DPO service is provided by: Invicta Law Ltd, 1 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT 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.