



# BURY CHURCH OF ENGLAND HIGH SCHOOL PRIVACY NOTICE

## (How we use pupil information)

### Introduction

Bury CE High School exists for the purpose of educating young people, in a Christian setting, between the ages of 11 and 16. To do this effectively it has to **collect, create, store, use** and **share** pupil data. The activities of collecting, creating, storing, using and sharing data are, together, what we call '**data processing**'. The word '**process**' is often used in this document to describe one, some or all of these actions.

The **General Data Protection Regulation** (GDPR) gives the school the legal right to process most pupil data without having to ask for their permission. Some ways in which the school would like to process your data may require you to give your permission. Like any organisation which handles personal data, our school is defined as a 'Data Controller' and, as such, we are registered with the ICO (Information Commissioner's Office).

The purpose of this document is to provide detailed information about the school's rights and responsibilities when processing pupil data. It also explains which data the school can process by legal right, and which it requires permission to process. In addition, it describes a pupil's legal right to alter how the school processes their personal data.

### Categories of pupil information that we process include (with examples):

- **PERSONAL INFORMATION** (names, contact details, home address, gender and unique pupil number)
- **CHARACTERISTICS INFORMATION** (ethnicity, language(s), nationality, country of birth, free school meal eligibility, eligibility for special funding)
- **ATTENDANCE** (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- **EDUCATION HISTORY** (primary school(s) attended and which school pupils transfer to if they leave before they are 16, primary school KS2 (SAT) results and other past assessment data)
- **MEDICAL INFORMATION** (details provided to us about allergies, dietary needs, physical issues or other health related needs)
- **SPECIAL EDUCATIONAL NEEDS INFORMATION** (details about assessments of any special educational needs, including Educational Health Care Plans, a pupil may have and how the school provides help for these needs so that they are not disadvantaged)
- **BEHAVIOUR INFORMATION** (details about when a pupil may have been reprimanded for misbehaviour and what sanctions were applied, including any time when they may have been placed in the 'reflection area' or excluded from school for a period of time)
- **ACHIEVEMENT INFORMATION** (details of any awards, rewards or commendations a pupil may have received or competitions they have won)
- **ATTAINMENT INFORMATION** (grades which subject teachers have given pupils, grades we expect pupils to get in their final GCSE examinations and details of their attitude towards learning)
- **PUBLIC EXAMINATION (GCSE) ENTRIES & RESULTS INFORMATION** (the examinations pupils are entered for and the results they receive)
- **PHOTOGRAPHS & VIDEO RECORDINGS** (photos of pupils playing a sport to improve their performance and CCTV recordings of pupils in the reflection room)

**NOTE:** Not all of the above information will apply to all students. For example, not all students have a special educational need or have behaviour comments made about them.

## Why we collect and use this information:

We use some or all of the pupil data described above:

- a) to support pupil learning
- b) to monitor and report on pupil attainment progress
- c) to provide appropriate pastoral care
- d) to assess the quality of our services
- e) to keep children safe, secure and well
- f) to meet the statutory duties placed upon us

## The school's legal rights to process pupil information

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing pupil information are:

- for the purposes of (a), (b), (c) & (d) in accordance with the legal basis of Public task: collecting the data is necessary to perform tasks that schools are required to perform as part of their statutory function
- for the purposes of (e) in accordance with the legal basis of Vital interests: to keep children safe (food allergies, or medical conditions)
- for the purposes of (f) in accordance with the legal basis of Legal obligation: data collected for DfE census information
  - Section 537A of the Education Act 1996
  - the Education Act 1996 s29(3)
  - the Education (School Performance Information)(England) Regulations 2007
  - regulations 5 and 8 School Information (England) Regulations 2008
  - the Education (Pupil Registration) (England) (Amendment) Regulations 2013

GDPR also identifies some '**special categories**' of data which are seen to be especially sensitive. The school has the right to process these data provided one of the two rights above can be claimed in addition to one of the rights from Article 9 of the GDPR. For 'special categories' data the school claims the following legal right from Article 9.

In addition, concerning any special category data:

- conditions a, b, c and d of GDPR - Article 9

In addition to rights given to school directly by the GDPR, the legal right for the school to process personal data can also be obtained by asking pupils or their parent/guardian to give permission for certain personal data to be processed. The following section explains the rights that pupils or their parent/guardian has to give permission and their right to take it away if they change their mind.

## Collecting pupil information

We obtain pupil information via:

- registration forms
- medication forms
- Common Transfer Files (CTFs) from previous schools

- child protection plans
- Education Healthcare Plans

Pupil data is essential for the schools' operational use. 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 GDPR we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this.

## Consent

### When the school needs consent to process personal student data

Whilst the majority of personal information you provide to us is mandatory some pieces of information about pupils which the school may wish to process will mean it needs to ask their permission first. This is known as getting their agreement or '**consent**'. The school needs consent for very few types of personal data but the school will always ask for consent to collect and use a pupil's photograph except where it has a legal right to do so. Some other pieces of pupil data may also require the school to ask for consent and they will be asked for this if it is necessary. As an example of how the consent system works, details of the different ways in which the school uses pupil photographs are given in the **Notes** section under item 4.

### Who the school asks for consent

The GDPR gives students a new and very important responsibility. Before pupils come to school, and until their 13<sup>th</sup> birthday, we will ask parents/guardians for consent to process non-mandatory data because they are legally responsible for providing it. However, when a pupil reaches 13 years of age (usually during Year 8), the student has the right to give their own consent and to withdraw (cancel) any consent given earlier if they want to.

### How the school asks for consent

When it is necessary for a pupil's (or their parent's/guardian's) consent to be requested, the school will always make it easy for them to give it. This may require a tick in a box and/or a dated signature as proof that the consent has been given. Consent will be requested from parents/guardians when a pupil under 13 years of age joins the school.

### How consent can be withdrawn?

If parents or guardians (or pupils aged 13 years or older) decide that consent should be withdrawn then this will also be quick and easy to do by contacting the Headteacher and indicating a change of preference. However, there is always a good reason why the school asks for consent to process certain data so it's probably a good idea for the pupil to make sure they know what that reason is and whether it's actually to their advantage to withdraw their consent.

## Storing pupil data

We store pupil data on secure computers and in paper records which are secured physically. The school is legally required to store personal data about pupils after they have left school. To meet these obligations we hold pupil data until the pupil is 25 years of age. So, for most pupils leaving this school when they are 16 years of age, we will hold data about them for a further 9 years before securely destroying it.

## Sharing pupil data

The school is legally required to share information about pupils with some organisations. It also voluntarily shares pupil information with other organisations when it has a good reason.

The school does not share information about pupils with anyone without their consent unless the law and/or its policies allow us to do so. Sometimes when we share pupil information it is 'redacted' or 'anonymised'. This means that the school removes any information which may allow someone else to connect the information with an individual pupil.

## Who we share pupil data with (with examples):

We may share information about pupils with,

- **PARENTS or GUARDIANS** to inform them of their child's progress or achievements. (Target grades and attainment grades in different subjects, success in a music examination)
- **A SCHOOL or COLLEGE** that a pupil may join if they leave Bury CE High School before they are 16 or a college they may attend after they are 16. (The subjects a pupil has been studying here for GCSE and their expected GCSE grades)
- **BURY LOCAL AUTHORITY & OTHER LA's** (Bury CE High School is required by law to pass some information about pupils to our Local Authority (Bury LA) or to other LA's if relevant.)
- **BURY CE HIGH SCHOOL GOVERNORS** (details about a pupil's exceptional achievement or poor behaviour)
- **THE DEPARTMENT FOR EDUCATION** The school is required by law to pass some information about pupils to the Department for Education (DfE). Some of this information is then stored in the National Pupil Database (NPD). It is then used by the DfE and shared with others for research purposes - the school has no control over this process. To find out more information about how the DfE processes pupil data see note 5 in the **Notes** section.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of pupil data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether the DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements, the use of the data and how long it will be kept for.

- **PUBLIC HEALTH SERVICES** (only the data required so that it can organise immunisation programs for pupils. Data shared for this purpose are a pupil's name and address and those of their parent(s)/guardian(s), the pupil's date of birth and the school they attend)
- **YOUTH SUPPORT SERVICES** The school is required by law to pass certain data to the local authority's youth support services once a pupil has reached their 13<sup>th</sup> birthday. We must provide a

pupil's name and address, and that of their parents/guardians, in addition to any other information which is relevant to the support service's role. However, a pupil's parents/guardians can request that we don't send any of this additional data and the pupil also has the right to refuse for this to happen once the school feels they are able to make this decision for themselves. Once pupils reach the age of 13, the school also passes pupil information to Bury LA and / or the 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 & further education advice

A parent or guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing the school. Currently, under the Education Act, this right is transferred to the pupil once she/he reaches the age of 16. For more information about services for young people, please visit Bury LA's website.

- **POSITIVE STEPS CAREERS SERVICE** to help *Positive Steps* plan the ways in which they will help pupils think about their future study and working life
- **TOUR AND COACH COMPANIES** which organise and deliver activities away from the school site.
- **EXAMINATION ORGANISATIONS** (so that pupils can be entered for public examinations (GCSEs) and so that pupil results can be received from them)
- **CASCAID** provide Kudus careers guidance software which allows pupils to explore future careers and pathways
- **SHOW MY HOMEWORK** online service which enables school staff to provide pupils and their parents/guardians with homework and other information online
- **TES - PROVISION MAP** online service which allows the school to manage the targeted support that it provides for groups of pupils
- **SISRA ANALYTICS** online service providing analysis of pupil data, including assessment data, so that teaching staff can help pupils make even greater academic progress
- **FISHER FAMILY TRUST** analyse pupil data, including assessment data, so that teaching staff can help pupils make even greater academic progress
- **RM UNIFY** an online single sign-on system, application library and management console designed specifically for education
- **MICROSOFT** provides Office 365 email and online storage accounts for all pupils to use in order to support their learning
- **HODDER EDUCATION DYNAMIC LEARNING** online tools to help improve learning
- **PEARSON ACTIVE LEARN** online tools to help improve learning
- **PARENTPAY** allows parents/carers to make online payments for all their child's school items, including meals, trips, clubs and uniform

- **MICRO LIBRARIAN SYSTEMS** an online library management system that provides a way of cataloguing the school's physical library stock, to help promote, engage and manage reading throughout the school to support the national curriculum and DfE requirements.
- **CAPITA SIMS - PARENT APP LITE** a web and mobile application that allows parents/guardians to keep their child's contact details and other data up to date on the school system
- **CONTACT GROUP - CALLPARENTS** a messaging system allows the school to communicate with parents and guardians by email or SMS.
- **RENAISSANCE LEARNING - STAR READER** online assessment of pupils reading growth
- **SMART** software that enables the school to comply with Health & Safety legislation.

The school will not give information about pupils to anyone without their permission unless the law and our policies allow us to.

## Parents and pupils' rights regarding personal data

Under the rules of the GDPR, individuals have the right to request access to the information we hold about them. This is called a *Subject Access Request* (SAR). To make a subject access request please contact the school's ICT Manager.

## Parents and pupils' right to affect the school's data processing

GDPR gives individuals the right to:

- be INFORMED about how their data is used, for example, via a *Privacy Notice*,
- ACCESS the information the school processes about them, for example, via a *Subject Access Request* so that they can verify the lawfulness of its processing,
- RECTIFICATION which means they can get inaccurate or incomplete data corrected
- ERASURE of their data, for example, if they want to withdraw their consent for their photo to be used on the school website they can make sure it is removed from the website.
- RESTRICT the processing of their data if they challenge the way the school is doing it and this restriction may be temporary while a decision about their challenge is made or it may be permanent if the school agrees with their challenge.
- DATA PORTABILITY which means a pupil can ask for a copy of their data in a commonly used format so that it could be used by a school they move to or other organisation of their choice.
- OBJECT to the processing of their data on "grounds relating to their particular situation" which makes their needs different to other similar data subjects.
- not be subject to automated decision making, for example, if a pupil thinks they have been put in a teaching group by an automated process they can ask for a human to examine the facts so that the decision may be altered if appropriate.

If a pupil or their parent/guardian has a concern about the way the school is processing their personal data, they are requested to raise their concern with the school as soon as possible after they become aware of an issue. If they prefer, they can contact the *Information Commissioner's Office* directly at

<https://ico.org.uk/concerns/>

## Destroying the information we hold about pupils

The school is required to keep a pupil's personal data described in the first section of this privacy notice until they are 25 years of age. Under certain circumstances it may be required to keep some personal data for longer, although this is very rare. Further information about how long we may keep personal information for can be found on *The Information & Records Management Society's* website at <http://irms.org.uk/>

## Further information

If anything in this privacy notice is unclear or if any further information about how we use pupil information is required, please contact the school's ICT Manager.

## NOTES

1. GDPR – Article 6 1(c) *'processing is necessary for compliance with a legal obligation to which the controller is subject'*;
2. GDPR – Article 6 1(e) *'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller'*;
3. GDPR – Article 9 1(g) *'processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject'*;
4. Whenever required the school will always ask for consent to take photographs of students and will explain what they are being taken for. The following table explains the details.

<b>CONSENT:</b> The collection and use of student images and other data			
<b>SCHOOL NEED</b>	<b>CONSENT REQUIRED?</b>	<b>OTHERS INVOLVED</b>	<b>WHERE STORED/RETENTION</b>
Individual photo for ID badges and cashless catering	<b>No.</b> The school needs the photograph to maintain security and assist with ensuring that meals are purchased by the correct card holders	Taking of photographs by a professional photographer or a member of staff	Photos are taken on a professional's camera and then transferred to school. Photos are held by the company appointed by the school to take photographs, for a contracted period. When students join school during the year a photo is taken by a member of school staff. These photos are kept in a secure folder with limited access on the school's server
Photos/videos of students are used to make the website more interesting for users	<b>Yes.</b> The school can still provide an education without parents/students agreeing to this	A member of staff takes photos or records videos of school life so that website pages can be updated with current pupils	On the school's secure server and on its website host's secure server(s)
Photos/videos of students are used to make the school social media more interesting for users	<b>Yes.</b> The school can still provide an education without parents/students agreeing to this	A member of staff takes photos or records videos of school life so that social media platforms can be updated with current pupils	On the social media platform's secure servers

Photos of students are used in the school prospectus and newsletters to promote the school	<b>Yes.</b> The school can still provide an education without parents/students agreeing to this	A member of staff or a professional photographer takes photos of school life so that posters on corridors show school life	On the school's secure server and by the producer of the school prospectus
Photos of students are used to make the school corridors more attractive for those in school	<b>Yes.</b> The school can still provide an education without parents/students agreeing to this.	A member of staff or a professional photographer takes photos of school life so that posters on corridors show school life	On the school's secure server and by the manufacturer of the posters
Photos and names of students are included in the annual year book created as a souvenir for leavers	<b>Yes.</b> The school can still provide an education without students agreeing to this.	The company that makes the year books	By the company which makes the year books and on the school's secure server(s)
Names of students in a year group are included on the Year 11 leavers hoodies	<b>Yes.</b> The school can still provide an education without students agreeing to this.	The company that supplies the leavers hoodies	By the company which supplies the leavers hoodies and on the school's secure server(s)
Photo/video of an act of misbehaviour	<b>No.</b> School may need this information to ensure pupil safety and the safety of others.	Member of staff / governors/ appropriate external authorities as required/ other pupils	Usually a pupil's or teacher's phone. To be deleted after use has been made of any appropriate evidence.

5. To find out more about the data collection and data sharing requirements placed on the school by the Department for Education (for example; via the school census or the collection of sensitive data) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools> or <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>

To find out more about the National Pupil Database (NPD), go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

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