

Data Protection privacy notice for pupils

The Gallery Trust is the data controller of the personal information you provide to us. This means the Trust determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is processed. The Data Protection Officer of The Gallery Trust acts as a representative with regard to its data controller responsibilities. The Gallery Trust's DPO is Satswana Ltd, info@satswana.com; telephone number 01252 759177.

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

The categories of pupil information that we process include:

- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- characteristics (such as ethnicity, language, and free school meal eligibility)
- safeguarding information
- special educational needs and disabilities
- medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- assessment and attainment
- behavioural and suspensions information
- photographs and CCTV images
- sibling information
- education and school history

Why we collect and use pupil information

The purposes for which we collect and use pupil information include:

- a) to support pupil learning
- b) to monitor and report on pupil attainment progress
- c) to provide appropriate pastoral care and to support pupil wellbeing
- d) to assess the quality of our services
- e) to keep children safe (food allergies, emergency contact details)
- f) to meet the statutory duties placed upon us for Department for Education (DfE) data collections
- g) to safeguard pupils
- h) to get in touch with you and your parents/carers
- i) to monitor where pupils go when they leave The Gallery Trust
- j) track how well the school is performing
- k) to manage pupil absence

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 interests)

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.

Under the UK General Data Protection Regulation (UK GDPR), the lawful basis we rely on for processing pupil information include those in relation to:

- Article 6 and Article 9 of the GDPR
- Education Act 1996
- Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013
- The Education Act 1996 - Section 537A – states that we provide individual pupil information as the relevant body such as the Department for Education.
- Children's Act 1989 – Section 83 – places a duty on the Secretary of State or others to conduct research.

In addition, concerning any special category data:

- conditions of UK GDPR - Article 9
1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.
 2. Paragraph 1 shall not apply if one of the following applies:
 - (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on 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.

Collecting pupil information

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 requested on a voluntary basis. In order to comply with the data protection legislation, 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.

Storing pupil data

We hold pupil data securely for the set amount of time shown in our data retention schedule. This is in accordance with the Information and Records Management Society's toolkit for schools which sets out how long we must keep information about pupils.

Who we share pupil information with

We routinely share pupil information with:

- our local authority (Oxfordshire County Council)
- youth support services (pupils aged 13+)
- the Department for Education (DfE)
- schools that the students attend after leaving us – to perform tasks in the public interest
- the pupil's family and representatives - to perform tasks in the public interest
- educators and examining bodies - to perform tasks in the public interest

- our regulator (the organisation or “watchdog” that supervises us), Ofsted - to perform tasks in the public interest
- suppliers and service providers – to enable them to provide the service we have contracted them for
- central and local government – to perform tasks in the public interest
- our auditors - to meet our legal obligations to share certain information with them
- security organisations – to perform tasks in the public interest
- Health and social welfare organisations and authorities, e.g. National Health Service – to perform tasks in the public interest
- professional advisers and consultants – to perform tasks in the public interest
- charities and voluntary organisations – to perform tasks in the public interest
- police forces, courts, tribunals - to meet our legal obligations to share certain information with them
- professional bodies – to perform tasks in the public interest
- providers of off site education and alternate provision – to perform tasks in the public interest

Youth support services

Once 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 or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the child / pupil once they reach the age 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

For more information about services for young people, please visit Oxfordshire County Council website.

Department for Education (DfE)

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).

For more information, please see ‘How Government uses your data’ section. For privacy information on the data the Department for Education collects and uses, please see:

<https://www.gov.uk/government/publications/privacy-information-early-years-foundation-stage-to-key-stage-3>
and

Requesting access to your personal data

The UK-GDPR gives parents and pupils certain rights about how their information is collected and used. To make a request for your personal information, or be given access to your child's educational record, contact the Head Teacher of your child's school and The Gallery Trust's Data Protection Officer: info@satswana.com; telephone number 01252 759177.

You also have the following rights:

- the right to be informed about the collection and use of your personal data – this is called 'right to be informed'.
- the right to ask us for copies of your personal information we have about you – this is called 'right of access', this is also known as a subject access request (SAR), data subject access request or right of access request.
- the right to ask us to change any information you think is not accurate or complete – this is called 'right to rectification'.
- the right to ask us to delete your personal information – this is called 'right to erasure'
- the right to ask us to stop using your information – this is called 'right to restriction of processing'.
- the 'right to object to processing' of your information, in certain circumstances
- rights in relation to automated decision making and profiling.
- the right to withdraw consent at any time (where relevant).
- the right to complain to the Information Commissioner if you feel we have not used your information in the right way.

There are legitimate reasons why we may refuse your information rights request, which depends on why we are processing it. For example, some rights will not apply:

- right to erasure does not apply when the lawful basis for processing is legal obligation or public task.
- right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests.
- right to object does not apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don't haven't the right to object, but you have the right to withdraw consent.

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with the Head Teacher of your child's school or The Gallery Trust's Data Protection Officer: info@satswana.com; telephone number 01252 759177, in the first instance or directly to the Information Commissioner's Office.

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent as the lawful basis, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting the Head Teacher of your child's school or The Trust's Data Protection Officer, Satswana Ltd, info@satswana.com; telephone number 01252 759177.

How Government uses your data

The pupil data that we lawfully share with the Department for Education (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 (DfE) (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education (DfE) and contains information about pupils in schools in England. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

The data in the NPD is provided as part of the operation of the education system and is used for research and statistical purposes to improve, and promote, the education and well-being of children in England.

The evidence and data provide DfE, education providers, Parliament and the wider public with a clear picture of how the education and children's services sectors are working in order to better target, and evaluate, policy interventions to help ensure all children are kept safe from harm and receive the best possible education.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-mpd-privacy-notice/national-pupil-database-mpd-privacy-notice>

Sharing by the Department for Education (DfE)

DfE will only share pupils' personal data where it is lawful, secure and ethical to do so. Where these conditions are met, the law allows the Department for Education (DfE) to share pupils' personal data with certain third parties, including:

- schools and 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 for Education's (DfE) 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 the Department for Education (DfE) to request access to individual level information relevant to detecting that crime. For information about which organisations the Department for Education (DfE) 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/dfe-external-data-shares>

How to find out what personal information the Department for Education (DfE) holds about you

Under the terms of the UK GDPR, you are entitled to ask the Department for Education (DfE):

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within the Department for Education's (DfE) personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

or

<https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights>

To contact the Department for Education (DfE): <https://www.gov.uk/contact-dfe>

This notice is based on the Department for Education's model privacy notice for pupils.