



# Milton Keynes Education Trust

## *Privacy Notice - Pupils*

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2018

Date approved by Board of Trustees	April 2018
Committee oversight	MKET PFF Committee
Responsible officer	CEO

## **Privacy Notice (How we use pupil information)**

### **The categories of pupil information that we collect, hold and share include:**

- Personal information (such as name, unique pupil number, **parent or guardian** and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as periodic teacher judgements on progress etc. and also examination results).
- Medical information (any relevant medical conditions or treatments and a log of any incidents/illnesses that we are aware of that occurred in school).
- Behaviour (record of behaviour events associated with a child in line with the academy's Behaviour for Learning Policy).
- SEN (record of any Special Education Needs along with associated observations, strategies and learning plans).
- Use of internet and ICT resources to ensure safe and appropriate use of resources.
- Exclusions /behavioural information

### **Why we collect and use this information**

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to safeguard pupils.

### **The lawful basis on which we use this information**

We collect and use pupil information to meet legal requirements and legitimate interests set out in the Education Act 1996 and Regulation 5 of the Education Regulations 2013. To conform with GDPR, any information the academy processes fulfils one of the following requirements from Article 6 of the GDPR:

- 1(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- 1(c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- 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.

Where we process special categories of personal data we do so under obligations covered in Article 9 of GDPR:

- 2(g) – the processing is necessary for reasons of substantial public interest.
- Where the above do not apply the academy will seek consent for specific purposes in line with the following Article 6.1.a.

- 1(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes.

This will be done in writing and will clearly define any other uses of personal information and ask for consent for each and every use.

## Collecting pupil information

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 the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

### Storing pupil data

Where information forms part of a student's statutory education record, The Education Regulations 2005 SI 2005 No. 1437:

Primary schools will retain the information for the time the pupil remains at Primary school. The information will be transferred to the Secondary or other Primary school when the pupil leaves.

In accordance with the Limitation Act 1980 Secondary schools will retain the information for 25 years from the child's date of birth.

In accordance with the Special Educational Needs and Disability Act 2001 Statements or Proposed statements are retained for 30 years from the child's date of birth.

Other information will be retained only where it is required to perform our legal obligations or where it is retained to safeguard and promote the welfare of children.

### Who we share pupil information with

We routinely share pupil information with:

- schools/other educational establishments that the pupil's attend after leaving us
- Milton Keynes Education Trust
- our local authority
- the Department for Education (DfE)
- The NHS

### Why we share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

### **Data collection requirements:**

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

### **Youth support services**

#### **Pupils aged 13+**

Once our 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

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 us. This right is transferred to the child / pupil once he/she reaches the age 16.

#### **Pupils aged 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 the relevant local authority website.

## **The National Pupil Database (NPD)**

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

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

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 our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether 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 and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

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>

### **Requesting access to your personal data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact

MKET Data Protection Officer [DPO@mket.org.uk](mailto:DPO@mket.org.uk)

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### **Contact**

If you would like to discuss anything in this privacy notice, please contact:

MKET Data Protection Officer, DPO@mket.org.uk