

## **Privacy notice for children in need and looked after children**

Under data protection law, individuals have a right to be informed about how the school 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, use and may share information about you. We are required to give you this information under data protection law.

We, Meadowfield School, are the 'data controller' for the use of personal data in line with data protection law. Our data protection officer is the SPS Data Protection Officer; see 'Who to contact below'.

### **The categories of pupil information we process**

In the course of providing education we collect the following personal information from you:

- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- 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 (such as key stage 1 and phonics results, post 16 courses enrolled for and any relevant results)
- behavioural information (such as exclusions and any relevant alternative provision put in place)
- episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information)
- episodes of being looked after (such as important dates, information on placements)
- outcomes for looked after children (such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending)
- adoptions (such as dates of key court orders and decisions)
- care leavers (such as their activity and what type of accommodation they have)

We also obtain personal information from other sources as follows:

- personal information, special category information, assessment results and SEN information from schools that you previously attended
- service support and involvement information from KCC teams working to improve outcomes for children and young people (such as SEND, Early Help, Free School Meals, Admissions)
- CCTV images

## **Reasons we can collect and use your personal information (legal basis)**

We collect and use pupil information under section 537A of the Education Act 1996, section 83 of the Children Act 1989, and to carry out tasks in the public interest (GDPR Art.6). If we need to collect special category (sensitive) personal information, we rely upon reasons of substantial public interest (equality of opportunity or treatment) (GDPR Art.9).

We collect pupil information via registration forms, online secure systems or secure file transfers from previous schools or any other public body. Pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it 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 and we will tell you what you need to do if you do not want to share this information with us.

We do not share information about our children in need or children looked after with anyone without consent unless the law and our policies allow us to do so.

We collect and use pupil information, for the following purposes:

- support pupil learning
- monitor and report on pupil progress
- moderate teacher assessment judgements
- provide appropriate pastoral care and support services
- assess the quality of our services, evaluate and improve our policies on children's social care
- keep children safe (food allergies, or emergency contact details)
- meet the statutory duties placed upon us by the Department for Education
- comply with the law regarding data sharing
- support you to decide what to do after you leave school
- support or improve educational provision
- ensure no children are missing education
- support children at risk of permanent exclusion
- support the primary, secondary and in-year admissions process
- safeguard children and young people
- improve the education and services we provide

## How long your personal data will be kept

We will hold your personal information securely in paper files and on the school's secure server. We retain it from the child/young person's date of birth until they reach the age of 25, after which the information is archived or securely destroyed. This is in line with the Local Authority Retention Schedule, available upon request from the school office.

CCTV images will not be retained for longer than 31 days except where the image identifies an issue and is retained specifically in the context of an investigation/prosecution of that issue. Where data is retained for longer than 31 days an electronic file held on a secure central server where specific CCTV image/recordings are retained will be kept. The Data Protection Act and UK GDPR does not prescribe any specific minimum or maximum retention periods that apply to all systems or footage. Therefore, retention will reflect the School's purposes for recording information, and how long it is needed to achieve this purpose.

We also have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

## Who we share pupil information with

- 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 children in need and children looked after with the Department for Education (DfE) for the purpose of those data collections. We share children in need and children looked after data with the Department on a statutory basis, under Section 83 of 1989 Children's Act, Section 7 of the Young People's Act 2008 and also under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013. All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current government security policy framework.
- Kent County Council teams working to improve outcomes for children and young people
- Commissioned providers of local authority services (such as education services)
- Schools or colleges that you attend after leaving us
- Local forums with schools and KCC representatives which support in-year fair access processes and support managed moves between schools
- Local multi-agency forums which provide SEND advice, support and guidance (such as Local Inclusion Forum Team (LIFT))
- Partner organisations signed up to the Kent & Medway Information Sharing Agreement, where necessary, which may include Police, school nurses, doctors and mental health workers and Kent Community Health NHS Foundation Trust
- Schools in our local collaboration, to enable the moderation of pupil assessment outcomes, to support collaborative working through joint analysis, and ensure children continue to receive appropriate education provision
- KCC has to share information with external moderators (teachers with recent relevant experience) of end of key stage assessments, to meet statutory requirements from the Standards & Testing Agency (STA)
- Contracted providers of services (such as school photographers and catering providers) where consent has been given

We will share personal information with law enforcement or other authorities if required by applicable law. We are required to share information about our pupils with KCC and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

## How Government uses your data

The data that we lawfully share with the DfE through data collections helps to:

- develop national policies
- manage local authority performance
- administer and allocate funding
- identify and encourage good practice

## Aged 14+ qualifications

For pupils enrolling for post-14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupil's learning or qualifications

## Our pupils in Year 11

We also provide additional pupil information to KCC to fulfil their responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996:

- Intended destinations of pupils in Year 11 moving into Year 12
- Course offers for pupils in Year 11 moving into Year 12 (September Guarantee)
- Information for Kent Choices4U (careers advice and course application website)

## Our pupils aged 16+

We will share information about pupils aged 16+ with our local authority as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

KCC has a legal responsibility to track all young people up to the age of 19 (and young adults with learning difficulties or disabilities up to the age of 25). The purpose of collecting this information is to assist the planning of education and training for young people and the support services they require. KCC will inform us of your current activity once you have left the school. This is in relation to education, training, employment with training you may be undertaking and whether you are NEET (not in Education, Employment or Training). Some of this information is then shared with the DfE who use the information to plan at a national level.

This information enables KCC to provide and arrange:

- post-16 education and training provision
- youth support services
- careers advice and guidance

## The National Pupil Database (NPD)

The NPD is owned and managed by the DfE 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 DfE. 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.

The DfE 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 DfE 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.

## Your Rights

Under the UK GDPR parents, carers and children 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 the Principal in the first instance. Alternatively, you can contact our DPO.

Depending on the lawful basis above, you may also have the right to:

- Object to decisions being taken by automated means
- Object to processing of personal data that is likely to cause, or is causing, damage or distress
- Ask to see what information we hold about you (Subject Access Requests)
- Ask us to correct any mistakes in the information we hold about you
- Object to direct marketing
- Make a complaint to or raise a concern with the ICO (Information Commissioners Office), <https://ico.org.uk/concerns/> or telephone 03031 231113
- For further information visit <https://www.kent.gov.uk/about-the-council/about-the-website/privacy-statement>
- Withdraw consent (if applicable)

Depending on our reason for using your information you may also be entitled to:

- Ask us to rectify, block, delete or destroy information we hold about you
- Have your information transferred electronically to yourself or to another organisation
- Object to decisions being made that significantly affect you
- Object to how we are using your information
- Stop us using your information in certain ways

Where we are processing your personal data with your consent, 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 Principal. We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note: your request may delay or prevent us delivering a service to you.

For further information about your rights, including the circumstances in which they apply, see the guidance from the UK Information Commissioners Office (ICO) on individuals' rights under the UK General Data Protection Regulation.

## 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 have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our Data Protection Officer via SPS DPO Services:

- Email: [sps-dpo-services@isystemsintegration.com](mailto:sps-dpo-services@isystemsintegration.com)
- Address: SPS DPO Services, iSystems Integration, Devonshire House, 29-31 Elmfield Road, Bromley, Kent, BR11 LT

Alternatively, you can 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

## Who to contact and further information

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact the Principal in the first instance.

Alternatively, you can contact our DPO via SPS DPO Services:

- Email [sps-dpo-services@isystemsintegration.com](mailto:sps-dpo-services@isystemsintegration.com) ;
- Correspondence address: SPS SPO Services, iSystems Integration, Devonshire House, 29-31 Elmfield Road, Bromley, Kent, BR11 LT

## Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education go to:

Children in need: <https://www.gov.uk/guidance/children-in-need-census>

Children looked after: <https://www.gov.uk/guidance/children-looked-after-return>

## The National Pupil Database (NPD)

Much of the data about pupils in England goes on to be held in 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.

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

## Sharing by the Department

The law allows the department 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's 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 DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the department 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 DfE hold about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department:


- 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, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

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

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

This notice is based on the Department for Education's model privacy notice, amended to reflect the way we use data in this school.

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