ABBEY VIEW SCHOOL

Policy: Privacy Notice for Pupils

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1. Introduction

Under UK data protection law, individuals have a right to be informed about how our 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 notice explains how we collect, store and use personal data about pupils at Abbey View School, like you.

Abbey View School, The Old Grammar School, Gloucester Road, Tewkesbury, Gloucestershire GL20 5SW is the 'data controller' for the purposes of UK data protection law.

Our Data Protection Officer is Gloucestershire Council (see 'Contact us' below).

2. The personal data we hold

We hold some personal information (data) about you to make sure we can help you learn and look after you.

For the same reasons, we get information about you from some other places too – like other organisations, other schools, the local authority 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 and contact details
- Your test results, assessment information and details about your learning and what you have achieved at school
- Your attendance records
- Details of any behaviour issues or exclusions
- Information from schools and other agencies and professionals working with you
- Information about how you use school, computers and other IT communication systems

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 or any special educational needs
- Information about any medical conditions you have
- Photographs and CCTV images

3. Why we use this data

We use the data listed above to:

a) Get in touch with you and your parents when we need to

b) Check how you're doing in exams and work out whether you or your teachers need any extra help

c) Track how well the school as a whole is performing

d) Look after your wellbeing and keep you safe

e) To feed back to schools and other agencies about how you are doing

f) Make sure our information and communication systems, equipment and facilities (e.g. school computers) are used appropriately, legally and safely

g) Answer your questions and complaints

h) Publish statistics, for example, the number of learners we have in schools

i) Comply with the law regarding data sharing

3.1 Use of your personal data for marketing purposes

Where you have given us consent to do so, we may send you marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to you.

We use images on X, on our website and in our prospectus for marketing purposes and newsletters, if your parents have agreed we can.

You can take back this consent or 'opt out' of receiving these emails and/or texts at any time by contacting us (see 'Contact us' below).

3.2 Use of your personal data in automated decision making and profiling

We do not currently put your personal information through automated decision making or profiling processes. This means we don't make decisions about you using only computers without any human involvement.

If this changes in the future, we will update this notice in order to explain the processing to you, including your right to object to it.

3.3 Use of your personal data for filtering and monitoring purposes

While you are at Abbey View School, we may monitor your use of our information and communication systems, equipment and facilities (e.g. school computers). We do this so that we can:

- Comply with health and safety and other legal obligations
- Comply with our policies (e.g. Child Protection and Safeguarding Policy, ICT and Internet Acceptable Use Policy) and our legal obligations

- Keep our network(s) and devices safe from unauthorised access, and prevent malicious software from harming our network(s)
- Protect your welfare

4. Our lawful basis for using this data

We will only use your information when the law allows us to. We need to establish a 'lawful basis' to do this. Our lawful bases for processing your personal information for the reasons listed in section 3 above, are:

- Consent: the individual has given clear consent to process their personal data for a specific purpose;
- Contract: the processing is necessary for a contract with the individual
- Legal obligation: the processing is necessary to comply with the law (not including contractual obligations)
- Vital interests: the processing is necessary to protect someone's life
- Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law
- The Education Act 1996: for Departmental Censuses 3 times a year. More information can be found at https://www.gov.uk/education/data-collectionandcensuses-for-schools.

We need all the categories of information in the list above primarily to allow us to comply with legal obligations. Please note that we may process information without knowledge or consent, where this is required or permitted by law.

Where you've agreed that we are allowed to use your information, you may take back this consent at any time. We'll make this clear when requesting your consent, and explain how you'd go about withdrawing consent if you want to.

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 one of the following conditions for processing as set out in UK data protection law:

- We have obtained 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 obtained 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

5. Collecting this data

While the majority of information we collect about you is mandatory, there is some information that you can decide whether to provide to us or not (voluntary information).

Whenever we want to collect information from you, we make it clear if you have to give us this information (and if so, what the possible consequences are of not doing that), or if you have a choice.

Most of the data we hold about you will come from you or your parents/carers, but we may also hold data about you from:

- Local councils
- Government departments or agencies
- Police forces, courts, tribunals
- Other schools or trusts
- Department for Education (DfE)

6. How we store this data

We keep personal information about you whilst you are attending Abbey View School. We may also keep it after you stop attending the school, if this is necessary to comply with our legal obligations or to meet our regulatory requirements. We follow the IRMS Schools guidelines which detail how long we keep information about our 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. Who we share data with

We don't share information about you with any third party without your consent unless the law and our policies allow us to do so.

Where it's legally required, or necessary (and it complies with UK data protection law), we may share personal information about you with:

- Our local authority (Gloucestershire) – because we have to share certain information with it, such as safeguarding concerns and information about exclusions
- Your mainstream school, if you have one, or other schools that may be offering you a place or where you may be attending after leaving us
- Department for Education (DfE) - on a statutory basis under section 3 of The Education (Information About Individual Students) (England) Regulations 2013
- Government departments and agencies
- Our regulator, Ofsted
- Youth support services – under section 507B of the Education Act 1996, to enable them to provide information regarding training and careers as part of the education or training of 13-19 year olds
- Other Schools that you may have attended
- NHS and other health authorities and agencies
- Welfare and support organisations (such as social services, educational psychologists and youth support services)
- Law enforcement officials such as police, HMRC
- Local Authority Designated Officer
- Professional advisors such as lawyers and consultants
- Support services (including insurance, IT support, information security) • Our auditors
- Providers of learning software and learning support systems and software

7.1 Sharing data with the Department for Education (DfE)

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

The data shared will be in line with the following legislation:

- Section 4 of The Education (information About Individual Pupils) (England) Regulations 2013
- Section 537A of the Education Act 1996 (as amended)

The data is transferred securely and held by the Department for Education under a combination of software and hardware controls that 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: this list is not exhaustive.

Once pupils in our school 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 data protection officer (DPO) – see contact details below.

7.1.1 National Pupil Database (NPD)
We have to provide information about you to the Department for Education 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, such as organisations that 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 personal data.

You can also contact the Department for Education if you have any questions about the database.

7.2 Transferring data internationally

Where we transfer your personal data to a third-party country or territory, we will do so in accordance with UK data protection law.

In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

8. Your rights

8.1 How to access personal information that we hold about you

You have a right to make a 'subject access request' to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (subject to any exemptions that may apply):

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data (decisions made by a computer or machine, rather than by a person), and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

If you would like to make a request, please contact us (see 'Contact us' below).

8.2 Your other rights regarding your data

Under UK data protection law, you have certain rights regarding how your personal data is used and kept safe. For example, you have the right to:

- Say that you don't want your personal information to be used
- Object to the processing of personal data that is likely to cause, or is causing, damage or distress
- Stop it being used to send you marketing materials
- Say that you don't want it to be used for automated decisions (decisions made by a computer or machine, rather than by a person)
- In some cases, have it corrected if it's inaccurate
- In some cases, have it deleted or destroyed, or restrict its use
- Withdraw your consent, where you previously provided consent for your personal information to be collected, processed and transferred for a particular reason
- In some cases, be notified of a data breach
- Make a complaint to the Information Commissioner's Office (ICO) if you feel we have not used your information in the right way
- Claim compensation if the data protection rules are broken and this harms you in some way

We may refuse your information rights request for legitimate reasons, which depend on why we're processing it. Some rights may not apply in these circumstances:

- Your right to have all personal data deleted or destroyed doesn't 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
- Right to object to use of your private data doesn't 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

See information on types of lawful basis in section 4 of this privacy notice.

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 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.

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

10. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **data protection officer**:

Brian Cumiskey
Schools Data Protection Team
Information Management Service
Gloucestershire County Council
Shire Hall, Westgate Street
Gloucester GL1 2TG
Tel: 01452 583619
Email: schoolsdpo@gloucestershire.gov.uk