



## **Privacy Notice**

### **How we use pupil data**

This notice is to help you understand how and why we collect your personal information and what we do with that information. It also explains the decisions that you can make about your own information.

Hillside Specialist School and College is the Data Controller of the pupil personal information you provide to us. This means that the school determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed.

The School Business Manager is the Data Protection Officer (DPO). The DPO role is to oversee and monitor the schools data protection procedures, and to ensure they are compliant with the General Data Protection Regulations (GDPR). The DPO can be contacted on 01772 782205 or email [k.wilkinson@hillside.lancs.sch.uk](mailto:k.wilkinson@hillside.lancs.sch.uk)

Further information regarding the GDPR, and the commitment by Hillside Specialist School and College to be data protection compliant, can be found in the Schools Data Protection Policy - a copy of this can be found on the school website.

The categories of pupil and young adult information that we collect, hold and share include (list not exhaustive):

- Personal information (such as name, unique pupil number, unique learning number, contact details of parents/carers including address, views through
- Parent questionnaires
- Characteristics (such as ethnicity, language, nationality, country of birth, free school meal eligibility and pupil premium eligibility)
- Safeguarding information – eg professional involvement, court orders.
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Medical information given to us by parents and other third parties such as NHS Trusts, GPs and allied medical professionals (eg Speech and Language, Occupational Therapy).
- Behavioural information (such as behaviour charts, behaviour support plans and positive handling plans)
- Special Educational Needs and Disability information (such as EHCP and professionals involved with pupil)
- Assessment information (such as record of achievements, qualification and accreditation information, record of exams taken and results gained).

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

We use pupil data:

- to support teaching and learning;
- to meet legal requirements and legitimate interests
- to monitor and report pupil progress and attainment
- to keep pupils safe
- to provide an adequate level of support to access the curriculum
- to assess the quality of our services

- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- for identification and safeguarding purposes
- to provide pupils with a voice
- to tailor individual needs of pupils, such as medical, behaviour and care plans.

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

The conditions for processing data under GDPR will be:

### **Article 6**

Processing shall be lawful only if and to the extent that at least one of the following applies:

- Data subject has given consent
- Processing is necessary for compliance with a legal obligation to which the controller is subject.
- Processing is necessary for the performance of a contract.
- Processing is in our vital interests, eg to protect someone's life.
- It is necessary to perform a public task or official functions which have a clear basis in law.
- Processing is necessary for our legitimate interests.

### **Article 9**

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.

Paragraph 1 shall not apply if one of the following applies:

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.

The Education (Information about Individual Pupils) (England) Regulations 2013 – Regulation 5 'Provision of Information by non-maintained special schools and academies to the Secretary of State' states 'within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special school or an academy (shall provide to the Secretary of State such of the information referred to in Schedule 1 and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.'

The Education Act 1996 - Section 537A - states that we provide individual pupil information as the relevant body such as the Department for Education.

The Children's Act 1989 - Section 83 - places a duty on the Secretary of State or others to conduct research.

## **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. We collect the majority of pupil personal data via the following methods:

- Registration and Admission papers
- Common Transfer Files (CTF) from previous schools
- Child Protection Plans
- Pupil paper files from previous school
- Via LCC Schools Portal
- Via Department of Education downloads.

## **How long do we keep your data?**

Data relating to pupils at Hillside Specialist School and College and their families is stored in line with the schools GDPR policy. A copy of this can be found on our school website. Or you may request a printed copy from the school office.

In accordance with GDPR, the school does not store personal data indefinitely, data is only stored for as long as necessary to complete the task for which it was originally collected. Our school's retention schedule is detailed as an appendix in our GDPR policy.

### **Sharing pupil information**

We routinely share pupil information with:

- Schools that the pupil's attend after leaving us
- Our Local Authority and Local Authorities as applicable
- School Nurse
- Approved contractors such as Education Transport Providers and ICT Support
- The Department for Education (DfE)
- Childrens Social Care
- Child, Adolescent Mental Health Service (CAMHS)
- Lancashire Care NHS Trust
- School Spider
- CPOMS
- Arbor
- Wonde (free school meal voucher provider)
- EdenRed (free school meal voucher)
- BSquared Assessment Tool
- Speech and Language Therapy
- Occupational Therapy Services
- Respite providers
- Pearson/ASDAN qualifications and external moderation/examinations boards
- Professionals involved with research and development at Higher Educational Establishments.
- Pupil data will only be shared for research and development purposes where the parent/legal guardian has given unambiguous consent.
- Careers advisors
- Youth support services
- Charities for supporting families in need (only after informing individual families)
- Post 16 education providers.

### **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 our Local Authority (LA) and the Department for Education (DfE) under section 3 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>

## Parent and Pupil Rights

Parents and pupils have the following rights in relation to processing of their personal data:

- Be informed how Hillside Specialist School and College uses personal data.
- Request access to your child's personal data that Hillside Specialist School and College holds (SAR).
- Request that your child's personal data is rectified if it is inaccurate or incomplete.
- Request that your child's personal data is erased where there is no compelling reason for its continued processing.
- Request that the processing of your child's data is restricted.
- Object to direct marketing and processing for the purposes of scientific and/or historical research and statistics.

Where the processing of your child's data is based on your consent, you have the right to withdraw this consent at any time.

If you have a concern about the way Hillside Specialist School and College and/or the DfE is collecting or using your child's personal data, you can raise a concern with the Information Commissioner's Office (ICO). They can be contacted Monday to Friday 9 am – 5 pm on 0303 123 1113.

### Access to 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 our School Business Manager.

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 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/>

### Youth Support Services (pupils aged 13+ years)

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
- Post 16 education providers

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 of 16.

## 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 for Education is legally allowed to share pupils personal information with certain third parties including the following:

- Schools
- Researchers
- Organisations connected with promoting the education or wellbeing of children in England
- Other government departments and agencies
- Organisations fighting or identifying crime.

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 Departments 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>