

# **How We Use Your Child's Information Privacy Notice for Pupils**

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**ST JOSEPHS CATHOLIC PRIMARY SCHOOL**

**HOLLOWAY**

**MALMESBURY**

**SN16 9BB**

April 2018

## Introduction

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

If you have any questions about this notice please talk to the Data Control Officer in the school office.

## What is "personal information"?

Personal information is information that the School holds about your child and which identifies them.

This includes information such as your child's name, date of birth and address as well as things like exam results, medical details, unique pupil number and behaviour records. We also hold information such as your child's religion or ethnic group for the purpose of the School Census and LA census returns. Photographs and video recordings are also personal information.

## Our legal bases for using your child's information

This section contains information about the legal bases that we are relying on when handling your child's information.

The two tables below contain a general description of the different legal bases but we have also used a colour code system so that you can see which bases we are relying on for each of the purposes described at paragraphs 1 to **Error! Reference source not found.** below.

### Legal obligation ("LO")

The School might need to use your child's information in order to comply with a legal obligation, for example to report a concern about your child's wellbeing to Children's Services. We will also have to disclose your child's information to third parties such as the courts, the local authority or the police where legally obliged to do so.

### Vital interests ("VI")

In limited circumstances we may use your child's information to protect your child's vital interests or the vital interests of someone else (e.g. if you or they are seriously hurt).

### Performance of a task carried out in the public interest ("PI")

This applies where what we are doing is for the benefit of the public generally. The following are examples of where this applies:

- providing your child and others with an education;
- safeguarding and promoting your child's welfare and the welfare of your child's classmates;
- facilitating the efficient operation of the School; and
- ensuring that we comply with all of our legal obligations.

### Legitimate interests ("LI")

This means that the School is using your child's information when this is necessary for the School's legitimate interests except when your child's interests and fundamental rights override our legitimate interests. We won't rely on this basis when your child's interests and fundamental

rights override our legitimate interests.

We have a legitimate interest in using your child's information to:

- i. promote the School including fundraising and publicity;
- ii. preserve historical school records.

The School must also comply with an additional condition where it processes special categories of personal information. These special categories include: personal information revealing racial or ethnic origin, religious or philosophical beliefs, genetic information, health information, and information about gender or orientation.

#### Substantial public interest ("SP")

The School is allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "public interest" in the table above. For example, the School will use information about your child's health to look after them. We may also use other types of special category personal data about them to provide your child with an education, to look after them and their classmates or when the School is inspected

#### Social protection and social security law ("ESP")

There will be times when the School needs to use your child's information because we are an employer (e.g. we employ your child's teachers). Also the School will use your child's information to comply with social protection law (e.g. to look after you) and social security laws (e.g. to provide them with free school lunches if they are entitled to these). Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.

#### Vital interests

In limited circumstances - we may use your child's information to protect your child's vital interests or the vital interests of someone else (e.g. if you or they are seriously hurt).

#### Legal claims ("LC")

We are allowed to use your child's information if this is necessary in relation to legal claims. For example, this allows us to share information with our legal advisors and insurers. This applies whenever sharing special category data is necessary in relation to legal claims.

#### Medical purposes ("MP")

This includes medical treatment and the management of healthcare services.

## How and why does the School collect and use personal information?

We set out below examples of the different ways in which we use personal information and where this personal information comes from. The letters highlighted in different colours below refer to the legal bases we are relying on. Please see the section above for an explanation.

1. The School's primary reason for using your child's personal information is to provide them with an education - **LO**, **PI**, **SP**.
2. The School will also use your child's personal information to safeguard and promote your child's welfare and the welfare of others (for example, so that we can look after them if they are hurt) - **LO**, **PI**, **SP**, **ESP**, **MP**.

Admissions forms give us lots of personal information. We get information from you, your child's teachers and other pupils. Your child's old school also gives us information about you so that we can teach and care for them.

Sometimes we get information from your child's doctors and other professionals where we need this to look after you.

3. We will use information about your child during the admissions process. We may let your child's old school know if you have been offered a place at the School - **LO, PI, SPI**.
4. We need to tell the appropriate teachers if your child has a health issue - **LO, PI, SPI**.
5. If we have information that your child suffers from an allergy we will use this information so that we can look after them - **PI, SPI, VI, MP**.
6. We will need to tell your child's teachers if they have special educational needs or need extra help with some tasks - **LO, PI, SPI**.
7. We will need to share information about your child (e.g. about your child's health and wellbeing) with the [• school nurse or counsellor] - **LO, PI, SPI, ESP, MP**.
8. If we have information that your child suffers from a disability we will use information about that disability to provide support - **PI, SPI, ESP** and in certain circumstances, **MP**.
9. [• Where appropriate, the School will have information about your child's religious beliefs and practices. For example, if they do not eat certain foods - **LO, PI, SPI**.]
10. We will be told if your child receives free school meals so that we can provide these - **LO, PI, SPI**.
11. We record your child's attendance and if you have time away from the School we record the reason(s) why - **LO, PI, SPI**.
12. We will need to report some of your child's information to the government (e.g. the Department for Education). We will need to tell the local authority that your child attends the School, if they leave the School or let them know if we have any concerns about your child's welfare - **LO, PI, SPI, ESP**.
13. We are legally required to provide the Department for Education with certain information about your child and their classmates. Some of this information will be stored on the National Pupil Database. Organisations can request information from the National Pupil Database which includes information about your child. But they are only allowed to do this for limited purposes and they must be very careful about how they use your child's information. More information can be found here - <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information> - **LO, PI, SPI**
14. We may need to share information about your child with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the School - **LO, PI, SPI**.
15. We will need information about any court orders or criminal matters which relate to your child. This is so that we can safeguard your child's welfare and wellbeing and the other pupils at the School - **LO, PI, SPI**.
16. Depending on where you will go when you leave us we will provide your child's information to other schools. For example, we will share information about your child's exam results - **LO, PI, SPI**.

17. We may pass on information to your child's next school which they need to look after you, for example, information about any concerns we have had about your child's welfare - **LO**, **PI**, **SPI**, **ESP**.
18. When you take public examinations (e.g. SATS) we will need to share information about you with examination boards. For example, if they require extra time in their exams - **LO**, **PI**, **SPI**.
19. [• The Learning Records Service (which is part of the government) will give us your child's unique learning number. We may receive details about them (e.g. your child's qualifications) from the Learning Records Service - **LO**, **PI**, **SPI**, **ESP**. ]
20. [• We will provide your child's information to the local authority so that they can provide careers advice. We may also share your child's information with the provider of youth support services - **LO**, **PI**, **SPI**.]
21. The School is sometimes inspected to make sure that we are continuing to be a good school. We will have to make your child's information available to the inspectors to help them to carry out their job - **LO**, **PI**, **SPI**.
22. If someone makes a complaint about how the School has behaved we may need to use your child's information to deal with this appropriately. For example, if you complain that we have not looked after your child properly - **LO**, **PI**, **SPI**.
23. We may need to share information about your child with the police or our legal advisers if something goes wrong or to help with an enquiry. For example, if one of your child's classmates is injured at the School or if there is a burglary - **LO**, **PI**, **SPI**, **LC**.
24. We use consultants, experts and other advisors to assist the School in fulfilling its obligations and to help run the School properly. We will share your child's information with them if this is relevant to their work - **LO**, **PI**, **SPI**.
25. If your child has misbehaved in a serious way, we may need to share information with the police and we may need to use information about the action taken by the police - **LO**, **PI**, **SPI**, **ESP**.
26. We may share some information with our insurance company to make sure that we have the insurance cover that we need - **LO**, **PI**, **SPI**, **LC**.
27. We may use your child's information when responding to an incident, for example, if something is published on social media which concerns the School - **PI**, **LI**.
28. We will share your child's academic and (where fair) your child's behaviour records with you so that you can support your child's schooling - **LO**, **PI**, **SPI**, **ESP**.
29. We will monitor your child's use of email, the internet and mobile electronic devices e.g. iPads. This monitoring is sometimes carried out using computer software. In certain circumstances we will look at the content of your child's communications (e.g. emails and text messages). We monitor and look at your child's use of technology to check that they and their child's classmates are not misbehaving, at risk of harm or for other good reasons. - **LO**, **PI**, **SPI**.
30. We may use information about your child if we need this for historical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the School - **LI**.
31. We may use photographs or videos of your child for the School's website and social media sites or prospectus to show prospective pupils what we do here and to advertise the

School. We may continue to use these photographs and videos after they have left the School - **LI**.

32. Sometimes we use photographs and videos for teaching purposes, for example, to record a drama lesson or as part of an art lesson - **LI**.

If you have concerns about us using photographs or videos of you please speak to the school Data Control Office via the office.

33. We publish our public exam results, sports fixtures and other news on the website and put articles and photographs in the local news to tell people about what we have been doing - **LI**.

34. The School must make sure that our computer network is working well and is secure. This may involve information about your child, for example, our anti-virus software might scan files containing information about them - **LO, PI, SP**.

We will only share your child's information with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.

We sometimes use contractors to handle personal information on our behalf. The following are examples:

- Oakford Technology are our IT consultants who might access information about your child when checking the security of our IT network]; and
- Oakford Technology are used to provide a third party "cloud computing" service to store some information rather than the information being stored on hard drives located on the School site.

If you have any questions about any of the above, please speak to Oakford Technology.

### **Criminal offence information**

In exceptional circumstances, we may use information about criminal convictions or offences. We will only do this where the law allows us to. This will usually be where such processing is necessary to carry out our obligations and to look after our pupils.

### **More than one basis**

As you will see from the information, in some cases we will rely on more than one basis above for a particular use of your child's information. In addition, we may move from one of the legal bases listed above to another as circumstances change. For example, if we become really worried about your child's wellbeing, we may start to rely on legal obligation to share personal information with the local authority in addition to the other legal bases which are noted for looking after your child.

### **Consent**

We may ask for your consent to use your child's information in certain ways as an alternative to relying on any of the bases in the table above. For example, we may ask for your child's consent before taking or using some photographs and videos if the photograph or video is more intrusive and we cannot rely on our legitimate interests or it being in the public interest. If we ask for your consent to use your child's personal information you can take back this consent at any time.

Any use of your child's information before you withdraw your child's consent remains valid. Please speak to the Data Control Officer via the school office. If you would like to withdraw any consent that you have given.

### **Sending information to other countries**

We will send your child's information to countries which do not have the same level of protection for personal information as there is in the UK. For example, we may:

- store your child's information on cloud computer storage based overseas] or
- communicate with you by email when you are overseas (for example, when you are on holiday.

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: [http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index\\_en.htm](http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm)

If the country that we are sending your child's information to is not on the list, or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might not have the same level of protection for personal information as there is in the UK.

We will provide you with details about the safeguards which we have in place outside of this privacy notice. If you have any questions about the safeguards that are in place please contact your child's form teacher.

### **For how long do we keep your child's information?**

We keep your child's information for as long as we need to in order to educate and look after them. We will keep some information after they have left the School, for example, so that we can find out what happened if you make a complaint.

In exceptional circumstances we may keep your child's information for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

Please see our Information and Records Retention Policy on our GDPR tab. This can be accessed at [www.st-josephs-malmesbury.wilts.sch.uk/GDPR](http://www.st-josephs-malmesbury.wilts.sch.uk/GDPR).

### **What decisions can you make about your child's information?**

From May 2018 you will be able to make various decisions about your child's information. Some of these are new rights whilst others build on your child's existing rights. Your child's rights are as follows:

- **Rectification:** if information is incorrect you can ask us to correct it.
- **Access:** you can also ask what information we hold about your child and be provided with a copy. This is commonly known as making a subject access request. We will also give you extra information, such as why we use this information about your child, where it came from and what types of people we have sent it to.
- **Deletion:** you can ask us to delete the information that we hold about your child in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your child's information to you or to a third party in a format that can be read by computer in certain circumstances.

- **Restriction:** our use of information about your child may be restricted to simply storing it in some cases. For example, if you tell us that the information is inaccurate we can only use it for limited purposes while we check its accuracy.
- **Object:** you may object to us using your child's information where:
  - we are using it for direct marketing purposes (e.g. [• to send you the School newsletter]);
  - the legal basis on which we are relying is either legitimate interests or performance of a task carried out in the public interest. Please see the section "Our legal bases for using your child's information" above; and
  - we are using it for historical or scientific research purposes or archiving purposes. For example, we may keep photographs of your child's class for historical reasons.

The Data Control Officer via the school office can give you more information about your child's data protection rights.

### **Further information and guidance**

This notice is to explain how we look after your child's personal information. The Data Control Officer via the school office can answer any questions which you might have.

Please speak to Data Control Officer if:

- you would like to exercise any of your child's rights listed above; or
- you would like us to update the information we hold about your child; or
- you would prefer that certain information is kept confidential.

The School has a Data Protection Officer, Kathryn Sanders who can be contacted at [dpo@romeroservices.co.uk](mailto:dpo@romeroservices.co.uk) or by telephone 01793 714227. The Data Protection Officer monitors and advises on the School's data protection compliance.

You can ask the school office to speak to the Data Protection Officer or speak to the Data Protection Officer yourself.

If you consider that we have not acted properly when using your child's personal information you can contact the Information Commissioner's Office: [ico.org.uk](http://ico.org.uk).