



Privacy notice for parents/carers – use of your child's personal data

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 and use personal data about **pupils** at our school.

Who processes your information?

Badgerbrook Primary School is the 'data controller' for the purposes of data protection law.

If you have any questions or requests relating to data protection please contact the School Business Manager (see 'Contact us' below)

Why we collect and use your information

Badgerbrook Primary School holds the legal right to collect and use personal data relating to pupils and their families. We collect and use personal data in order to meet legal requirements and legitimate interests as set out in the GDPR and UK law, including those in relation to the following:

- Article 6 and Article 9 of the GDPR
- Education Act 1996
- Regulation 5 of the Education (Information About Individual Pupils) (England) Regulations 2013.

The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

- Personal information (such as name, date of birth, address, identification documents, unique pupil number)
- Contact details, contact preferences
- Results of internal assessments and externally set tests (such as national curriculum assessment results)
- Pupil and curricular records
- Exclusion and behavioural information
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Safeguarding information
- Details of any support received, including care packages, plans and support providers

We may also collect, use, store and share (when appropriate) information about your child that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

- Any medical conditions we need to be aware of, including physical and mental health
- Information relating to special educational needs
- Characteristics (such as ethnic background, nationality, country of birth, eligibility for free school meals)
- Photographs
- CCTV images captured in school

We may also hold data about pupils that we have received from other organisations, including other schools, social services, local authorities and the Department for Education.

Why we use this data

We use this data to:

- Support pupil learning
- Monitor and report on pupil progress
- Provide appropriate pastoral care
- Protect pupil welfare
- Safeguard pupils
- Assess the quality of our services
- Carry out research
- Administer admissions waiting lists
- Comply with the law regarding data sharing
- Communicate with parents
- Communicate with emergency contacts
- Share Newsletters and other information about school organisation and events

Use of your child's personal data for marketing purposes

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

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

Use of your child's personal data in automated decision making and profiling

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

Our lawful basis for using this data

We only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where:

- We need to comply with a legal obligation – we need to process data to meet our responsibilities under law
- We need it to perform an official task in the public interest - we need to process data to fulfil our statutory function as a school

Less commonly, we may also process pupils' personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

Where you have provided us with consent to use your child's data, you may withdraw this consent at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

Our basis for using special category data

For 'special category' data, 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 data protection law:

- We have obtained your explicit consent to use your child's personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your child's 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 manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation

- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing 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 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 child's 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 manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

Collecting this information

While the majority of information we collect about pupils is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you or your child, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about your child will come from you, but we may also hold data about your child from:

- Previous schools or pre-schools
- Local authorities
- Government departments or agencies
- Police forces, courts, tribunals

How we store this data

We keep personal information about pupils while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. We refer to the [Information and Records Management Society's toolkit for schools](#) to determine how long we keep information about pupils.

We have put in place appropriate security measures to prevent your child's personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your child's personal data securely when we no longer need it.

Who we share the data with

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

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about pupils with:

- Our Local Authority (Leicestershire County Council)
- The Department for Education
- Other government departments or agencies
- Schools that pupils attend after leaving us
- Our regulator (Ofsted)
- Health authorities
- Health and social welfare organisations

- Professional advisers and consultants
- Suppliers and service providers (eg catering)
- Charities and voluntary organisations
- Police forces, courts, tribunals

National Pupil Database

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census.

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>.

Some of this information is then stored in the [National Pupil Database](#) (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research. The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with other organisations which promote children's education or wellbeing in England by:

- Conducting research or analysis
- Producing statistics
- Providing information, advice or guidance

Such organisations must agree to strict terms and conditions about how they will use the data. For more information, see the Department's webpage on [how it collects and shares research data](#). You can also [contact the Department for Education](#) with any further questions about the NPD.

Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

Your rights

How to access personal information that we hold about your child

You have a right to make a '**subject access request**' to gain access to personal information that the school holds about your child.

If you make a subject access request, and if we do hold information about your child, we will (subject to any exemptions that 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, and any consequences of this
- Give you a copy of the information in an intelligible form

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

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

Your right to access your child's educational record

Parents, or those with parental responsibility, also have the right to access their child's educational record (which includes most information about a pupil). This right applies as long as the pupil is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced. To make a request, please contact us (see 'Contact us' below).

Your other rights regarding your child's data

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

- Object to our use of your child's personal data
- Prevent it being used to send direct marketing
- Object to and challenge the use of your child's personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, be notified of a breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact us' below).

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.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

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 lead who has day-to-day responsibility for data protection in our school:

- Mrs Carol Webb, School Business Manager - contact via the school office, 0116 2752353 or office@badgerbrook.leics.sch.uk

This Privacy Notice was updated in September 2020 and will be reviewed and revised as part of the school's three yearly monitoring cycle or as more information about GDPR becomes available.