



GDPR privacy notice for Pupils and their Families

Academy Trusts (and their schools) are required to inform pupils and their families about how their personal data may be collected and used. From 25.5.18 further regulations called the General Data Protection Regulations (GDPR) come in to force. Academy Trusts (and their schools) are required to revise their Privacy Notices to include further information on how we process individuals' personal data, in order to be compliant with the GDPR. This Privacy Notice communicates how we will process personal data relating to pupils and their families and gives you information on your rights and our responsibilities.

1. Who processes your information?

The Academy Trust is the data controller of the personal information you provide to us. This means that they determine the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed. The Headteacher acts as the representative for each school with regard to its data responsibilities and they can be contacted at the school address.

In some cases, your data will be outsourced to a third-party processor; however, this will only be done with your consent, unless the law requires the Academy Trust to share your data. Where the Academy Trust outsources data to a third-party processor, the same data protection standards that The Academy Trust upholds are imposed on the processor.

Chris Haves is the data protection officer. His role is to oversee and monitor the Academy Trust's (including all of its schools) data protection procedures, and to ensure they are compliant with the GDPR. The data protection officer can be contacted on 0191 285 3895- option 3 or by email at chris.haves@smartacademies.net

2. Why do we collect and use your information?

The Academy Trust holds the legal right to collect and use personal data relating to pupils and their families, and may also receive information regarding them from their previous school, the relevant Local Authority (LA) and/or the Department for Education (DfE). The types of information we collect is used to:

- support pupil learning
- monitor and report on pupil progress

SMART Multi Academy Trust is an exempt charity and company limited by guarantee registered in England with company number 10257723. The company's registered office is Wyndham Primary School, Montagu Avenue, Newcastle upon Tyne NE3 4SB.

- provide appropriate pastoral care
- assess the quality of our services
- to comply with the law regarding data sharing

We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK law, including meeting the following statutory requirements:

- Article 6 of the GDPR- The lawfulness of processing.
- Article 9 of the GDPR- Processing special categories of personal data (sensitive data)
- Education Act 2011
- Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013
- Keeping Children Safe In Education 2016
- School Standards and Framework Act 1998
- Children and Social Work Act 2017
- Health and Safety at Work Act 1974
- Special Educational Needs and Disability Act 2001

In accordance with the above, the personal data of pupils and their families is collected and used for the following reasons:

3. Lawful processing- mandatory processing.

- To support the Admissions process as required under the Schools Admissions Code 2015 (School Standards and Framework Act 1998)
- To meet with Health and Safety requirements (Health and Safety at Work Act 1974). Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). Control of Substances Hazardous to Health Regulations 2002 and the control of Asbestos at Work Regulations 2012.
- To create a Pupil Educational Record as required by the Education (Pupil information) (England) Regulations 2005
- To monitor and report on pupil progress-National Curriculum Assessments (Education Reform Act 1988).
- To monitor and report on pupil attendance and absence as required under the Education Act 1996 and School attendance advice from the Department for Education.
- To comply with the law regarding data sharing, including the transferring of a pupil record to another Local Authority or school.
- To provide information in relation to Special Educational Needs under the Education Act 1996 the Special Educational Needs and Disability Act 2001 and the Limitation Act 1980.
- To ensure that there is the appropriate information to apply for eligibility for funding and grants under Article 9 of the GDPR.
- To provide information in relation to safeguarding as required under the Keeping Children Safe In Education statutory guidance for schools 2016 and Article 9 of the GDPR
- To provide information to other agencies under the Keeping Children Safe In Education and within the 'Working together to safeguard children a guide to inter-agency working to

safeguard and promote the welfare of children' and other social protection laws, including the Children and Social Work Act 2017. This data may also contain information in relation to Article 9 of the GDPR.

- To provide data for statutory census reporting to the Department for Education) under regulation 5 of The Education (Information about Individual Pupils) (England) Regulations 2013 and this may also contain information in relation to Article 9 of the GDPR.

4. Which data is collected?

The categories of pupil information that the Academy Trust collects, holds and may share includes the following:

4a Personal Data- Article 6 of the GDPR

- Personal data – e.g. names, Dates of birth, and addresses, Unique Pupil Number.
- Family Information- Names of adults, contact details, addresses, telephone numbers, email addresses and any details of additional carers who hold parental responsibility.
- Admission applications data.
- Attendance information – number of absences and absence reasons and authorised absences.
- Assessment information – national curriculum record/assessment results (SATs) and school assessments and test results.
- Behavioural information – e.g. number of temporary exclusions.
- Annual reports to parents.
- Reports written about the child that do not contain sensitive personal data.
- Correspondence from parents or carers.
- Pastoral support records that do not contain sensitive personal data.
- Complaints by the pupil, parents or carers.
- Accident Records that do not contain sensitive personal data.
- Parental Consent forms.
- Visitors Books and Signing in Sheets.

4b Sensitive Personal Data- Article 9 of the GDPR

Sensitive Personal Data – e.g. ethnicity/origin, language, nationality, country of birth, religion, and free school meal eligibility information, age, English as an additional language, gender, sexual orientation.

- Relevant medical information-name of GP, allergies or other medical conditions that are considered essential for the school to be aware of.
- Accident records that contain sensitive personal data
- Pastoral Support records that contain sensitive personal data
- Any genetic or biometric data.
- Information relating to Special Educational Needs and Disabilities, files, reviews, Statements of Special Educational Needs and support plans and Individual Health and Care Plans.
- Names and contact details of other relevant statutory agency involvement, eg-Speech and language therapist.
- Reports written about the child that contain sensitive personal data
- Child protection reports/disclosures and safeguarding records and reviews

Whilst the majority of the data you provide to the Academy Trust is mandatory, (this means that we have a lawful reason or legal obligation to process the data), some data is provided on a voluntary basis. When collecting data, the Academy Trust will inform you whether you are required to provide this data or if your consent is needed.

Where consent is required, the Academy Trust will provide you with specific and explicit information with regards to the reasons the data is being collected and how the data will be used and your rights to withdraw your consent.

5. How long is your data stored for?

Personal data relating to pupils and their families is stored in line with the Academy Trust's GDPR Data Protection Policy. In accordance with the GDPR, the Academy Trust does not store personal data indefinitely; data is only stored for as long as is necessary to complete the task for which it was originally collected. In most eventualities pupil records will be destroyed within 1 year of the pupil leaving a primary school. Please note however that there are much longer retention periods for Health and Safety, Safeguarding and certain SEN-D documents.

The Academy Trust has an Information Management Policy that outlines how data is stored and when it will be destroyed or deleted.

These policies are available at all Academy Trust schools and hardcopies can be provided to you upon request and at no cost to you.

6. Will my information be shared

The Academy Trust and its schools are required to share pupils' data with the DfE on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring. Data shared with the DfE is:

- Pupil Census information- collected three times per year
- Statistics returns- Childcare and early years data, early years foundation stage profiles, Admissions data, Key Stage 1 and 2 assessment and performance data, phonics data, school exclusion data,
- Individual Pupil Support information: statements of special educational needs and education health and care plans data.

The National Pupil Database (NPD) is managed by the DfE and contains information about pupils in schools in England. The Academy Trust and its schools are required by law to provide information about our pupils to the DfE as part of statutory data collections, such as the school census; some of this information is then stored in the NPD. The DfE may share information about our pupils from the NDP with third parties who promote the education or well-being of children in England by:

- Conducting research or analysis.

SMART Multi Academy Trust is an exempt charity and company limited by guarantee registered in England with company number 10257723. The company's registered office is Wyndham Primary School, Montagu Avenue, Newcastle upon Tyne NE3 4SB.

- Producing statistics.
- Providing information, advice or guidance.

The DfE has robust processes in place to ensure the confidentiality of any data shared from the NDP is maintained.

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>

The Academy Trust will not share your personal information with any third parties without your consent, unless the law allows us to do so. The Academy Trust may share pupils' information with:

- Pupils' destinations upon leaving/transferring schools
- Government authorities- Department for Education, relevant Local Authorities, police, HMRC
- The National Health Service
- Professional advisors-Lawyers, Insurers, Health and Safety Consultants, Accountants, acting on behalf of the Academy Trust.

The Local Authority often has an overall responsibility in relation to statutory reporting and therefore we are required to provide information to inform this statutory reporting duty. Information that may be shared is:

- In relation to educational performance data and statistics
- Pupil records when there are changes in school
- In relation to exclusions
- In relation to safeguarding matters
- In relation to Special Educational Needs and Disabilities
- In relation to data that informs school funding decisions

7. What are your rights?

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

You have the right to:

- Be informed about how the Academy Trust uses your personal data.
- Request access to the personal data that the Academy Trust holds.
- Request that your personal data is amended if it is inaccurate or incomplete.
- Request that your personal data is erased where there is no compelling reason for its continued processing.
- Request that the processing of your data is restricted.
- Object to your personal data being processed.

Where the processing of your 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 the Academy Trust and its schools **and**/or the DfE is collecting or using your personal data, you can raise a concern with the Information Commissioner's Office (ICO). The ICO can be contacted on 0303 123 1113, Monday-Friday 9am-5pm.

8. Where can you find out more information?

If you would like to find out more information about how we collect, use and store your personal data, please visit our website:

www.smartacademies.net or contact your local Academy Trust School

Information in relation to data that the DfE collects can be found here:

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>

GDPR- Privacy Notice Pupils and Parents SMART Multi Academy Trust

Declaration

I, _____ **(Please insert your name)**

Declare that I understand:

- SMART Multi Academy Trust has a legal and legitimate interest to collect and process my personal data in order to meet statutory requirements.
- How my data is used.
- SMART Multi Academy Trust may share my data with the Department of Education, and subsequently the relevant Local Authority.
- SMART Multi Academy Trust will not share my data to any other third parties without my consent, unless the law requires the school to do so.
- SMART Multi Academy Trust will always ask for explicit consent where this is required, and I must provide this consent if I agree to the data being processed.
- My data is retained in line with the Academy Trusts GDPR Data Protection Policy.
- My rights to the processing of my or my children's personal data.
- Where I can find out more information about the processing of my personal data.
- That I have the right to make a subject access request for free to verify the lawfulness of the processing the Academy Trust are carrying out.
- That I have the right to complain to the supervisory authority

Name: _____

Signature: _____

Date:

Please complete this and return to the school that your child attends-Thank you