



Privacy Notice (How we use pupil information)

This privacy notice explains how we collect, store and use personal data about pupils. We, Montalbo Nursery and Primary School, are the 'data controller' for the purposes of data protection law. Our data protection officer is Mr I Martin, from GDPR Solutions.

Why do we collect and use pupil information?

We collect and use pupil information under:

General Data Protection Regulation (EU) 2016/679

Article 6

Consent: You or a legal representative have given consent.

Legal obligation: it is necessary to meet a legal obligation

Public Interest: the processing is necessary for us to perform a task in the public interest or for our official functions

Article 9

Comply with a law: We need this for Employment, or Social Security or Social Protection Law.

Health and Social Care: We use it to deliver health or social care services including safeguarding of children.

Public Interest: the processing is necessary for reasons of substantial public interest

Archiving, Research or Statistical Purposes: We use it for archiving, research, or statistical purposes

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- Protect pupil welfare
- Administer admissions waiting lists
- to assess the quality of our services
- to comply with the law regarding data sharing

The categories of pupil information that we collect, hold and share includes, but is not restricted to:

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Academic progress / assessment data
- Relevant medical information
- Special educational needs information
- Exclusions / behavioural information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs

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

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 in support of exercising our official tasks. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

Storing pupil data

The school will hold pupil data in accordance with the Information and Records Management Society's toolkit for schools which can be found here:

<http://irms.org.uk/page/SchoolsToolkit>

Who do we share pupil information with?

We routinely share pupil information with:

- Schools / other education providers
- Our local authority
- The Department for Education (DfE)
- Health authorities
- Health and social welfare organisations
- Other local authorities
- Ofsted
- Police forces, courts, tribunals
- Capita Children Services (school management software)
- Target Tracker (tracking and assessment)

We also share limited information about children with cloud based service providers to support the education of pupils. This will done in accordance with data protection laws and our policies. All providers will be risk assessed:

- Lexia Reading (Rosetta Stone - Reading assessment and resources)

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.

We also share pupil information to:

- Meet our statutory duty to create and maintain an admission register under the Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments, without which schools are unable to enrol a pupil.
- Support teaching and learning. In order to facilitate this, we may share information with software suppliers to set up the systems needed for pupils and parent/carers to access.
- Monitor and report on academic progress.
- Provide appropriate pastoral care (Keeping Children Safe in Education 2018).
- Assess how well we, as an education provider, are doing.
- Cooperate with Durham County Council and external partners to improve the well-being of children, under the duty of the Children Act 2004. Working Together to Safeguard Children (2015)

- Share information with Durham County Council and external partners to support the duty to safeguard and promote the welfare of children, under the Children Act 1989, Section 17. Working Together to Safeguard Children (2015)
- Share data with professionals commissioned by the school or working with a pupil such as the School Nurse or health services.
- Comply with our statutory duty under the Education (Pupil Information) (England) Regulations 2005 Statutory Instrument and subsequent amendments in The Education (Pupil Information) (England) (Amendment) 2008 to create a Common Transfer File when a child ceases to be registered at a school and becomes a registered pupil at another school in England or Wales. This would also apply to pupils who are dually registered at more than one school. If a Common Transfer File cannot be sent to a new school when a pupil leaves, one must be sent to the DfE Lost Pupil Database.
- Provide information via statutory census returns to the DfE and in turn this will be available for the use of Durham County Council to carry out its official functions, or a task in the public interest. Further information can be found online at <https://www.gov.uk/government/publications/school-census-2016-to-2017-guide-for-schools-and-las>
- Send pupil information to Durham County Council on a regular basis in accordance with our information sharing agreement to enable the local authority to meet its duty under data protection legislation to ensure that the data it holds is accurate and also to carry out its official functions, or a task, in the public interest.
- Notify Durham County Council on a termly basis of all pupils on a reduced timetable so that the local authority can comply with statutory Ofsted requests for data at the time of inspection.
- Comply with the statutory requirements of the Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments, notifying Durham County Council if a child leaves the school and providing forwarding details. A failure to provide this information will result in pupils being record as a “Child Missing Education”, in accordance with the government definition.
- Provide attendance information to Durham County Council so that it’s duties under the Anti-Social Behaviour Act 2003, Section 444 of the Education Act 1996 and Section 36 of the Children Act 1989 (Education Supervision Orders) can be met.
- Provide exclusion information to Durham County Council so that its duty Under Section 19 of the Education Act 1996 can be met.
- Meet our duty to provide information about any exclusions within the last 12 months to the Secretary of State and (in the case of maintained schools and PRUs) the local authority, in accordance with The Education (Information About Individual Pupils) (England) Regulations 2006.
- When your child applies for further education or training, the school / LA may forward information to colleges or providers in order to aid your child’s transition into further education or training

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>.

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 pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

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 may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

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 department's 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>

Requesting access to your 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 Mr C Minikin (Head Teacher)

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 your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact: If you would like to discuss anything in this privacy notice, please contact Mr C Minikin (Head Teacher)