



## **Privacy Notice (How we use pupil information)**

### **Why do we collect and use pupil information?**

We collect and use pupil information to enable us to run the school and provide education as permitted under Article 6(1)(e) of the General Data Processing Regulations which permits processing for tasks carried out in the public interest or for our official functions and Article 9(2)(g) which permits processing of sensitive data which is necessary for reasons of substantial public interest. Under Section 537A of the Education Act 1996 we are also required to submit school census returns, including a set of named pupil records, and pupil information is collected and used for this purpose.

### **The categories of pupil information that we collect, hold and share include:**

- Personal information (such as name, unique pupil number and address)
- Personal information of family contacts i.e. addresses and telephone numbers
- Characteristics (such as ethnicity, language, and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Exclusion information (such as type of exclusion, date of exclusion, reason for exclusion).
- Assessment information
- Medical and dietary information
- Special Needs information
- Behavioural Information
- Child Protection and Safeguarding information

### **Why - we collect and use pupil information-**

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to adhere with medical and dietary requirements
- to comply with Safeguarding guidelines

**Legal Basis:** The lawful bases for processing are set out in Article 6 of the GDPR. At least one of these must apply whenever you process personal data:

- a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
- b) Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- c) Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
- d) Vital interests: the processing is necessary to protect someone's life.
- e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- f) Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

### **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 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**

Electronic data is stored on Bolton Council secure network.

Hard copies of pupil data collection forms, taken at induction are destroyed as soon as transferred electronically into secure areas.

Mytham Little Stars Nursery follows Bolton Council Retention Guidelines for length of time pupil data is held.

### **Who do we share pupil information with?**

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- Local Authority Departments such as Social Services if requested due to safeguarding concerns
- Department for Education (DfE)
- NHS

- Police if requested due to safeguarding concerns
- Health Organisations i.e. providers of immunisations, dental etc
- Communication Providers i.e. Texting Service

### **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>.

### **Nursery Education Settings**

#### **Over-claiming hours**

In the case of over-claiming hours, we may need to share the names of the childcare settings that your child attends stating the amount of hours that are being claimed. This will only be shared with providers that your child is registered as attending.

### **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 Mrs Bogle,

Headteacher or Mrs Dale, 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 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:

Mrs Bogle, Headteacher or Mrs Dale, School Business Manager.

If you cannot access these websites, please contact the LA on:

Bolton Council  
1<sup>st</sup> Floor,  
Howell Croft,  
Bolton, BL1 1RU  
Email : schools.dpo@manchester.gov.uk

**Legal Basis:** The lawful bases for processing are set out in Article 6 of the GDPR. Consent: the individual has given clear consent for you to process their personal data for a specific purpose.

- Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- Legal obligation: the processing is necessary for you to comply with the law (not including contractual obligations).
- Vital interests: the processing is necessary to protect someone's life.
- Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- Legitimate interests: the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

**Special Category Data:** GDPR identifies that some information is particularly sensitive and therefore needs extra protection:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Health
- Sexual life or orientation
- Genetic data (e.g. blood samples DNA)
- Biometric data to identify an individual (e.g. finger-prints, iris recognition)
- Financial information

**Special Category Conditions:** Article 9 of sets out the special category conditions. If you are processing special category data you need to meet a special category condition in addition to the legal basis identified above:

- The data subject has given explicit
- Necessary to protect the vital interests where the data subject is physically or legally incapable of giving consent
- The data has been made publically available by the data subject
- Necessary for the purposes of preventative or occupational medicine, for example the assessment of the working capacity of an employee
- Required for exercising rights in the field of employment and social security or social protection
- Processing is carried out by a foundation or not-for-profit body in the course of its legitimate activities
- Necessary to process legal claims
- Necessary for archiving statistical or historical research which is in the public interest
- Necessary for reasons of substantial public interest on the basis of UK law which shall be proportionate to the aim pursued

**Data relating to criminal convictions or offences:** Under GDPR information relating to criminal convictions (includes all DBS checks even if they show no convictions/offences) can only be processed process if you are doing so in an official capacity or have specific legal authorisation to do so.

*(Please note that Section 3 of the Data Protection Bill sets out specific data protection principles to be considered when processing personal data for law enforcement purposes. Therefore you may need to refresh your Privacy Notices at such time as the Bill is passed and becomes UK law)*