

Oakwood Infant and Nursery School



Pupil Privacy Notice (OAK010/03/2023)

School Mission Statement

At Oakwood Infant and Nursery School we provide a safe, healthy, happy and creative learning environment for everyone, through high expectations and mutual respect.

We are all stars, watch us shine.

Reviewed: March 2022

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Privacy Notice (How we use pupil information)

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

We collect and use pupil information under GDPR Article 6 and 9:

Article 6 GDPR Lawfulness of processing

1. Processing shall be lawful only if and to the extent that at least one of the following applies:
 1. the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
 2. processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
 3. processing is necessary for compliance with a legal obligation to which the controller is subject;
 4. processing is necessary in order to protect the vital interests of the data subject or of another natural person;
 5. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
 6. processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

²Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks.

2. Member States may maintain or introduce more specific provisions to adapt the application of the rules of this Regulation with regard to processing for compliance with points (c) and (e) of paragraph 1 by determining more precisely specific requirements for the processing and other measures to ensure lawful and fair processing including for other specific processing situations as provided for in [Chapter IX](#).
3. The basis for the processing referred to in point (c) and (e) of paragraph 1 shall be laid down by:
 1. Union law; or
 2. Member State law to which the controller is subject.

²The purpose of the processing shall be determined in that legal basis or, as regards the processing referred to in point (e) of paragraph 1, shall be necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. ³That legal basis may contain specific provisions to adapt the application of rules of this Regulation, inter alia: the general conditions governing the lawfulness of processing by the controller; the types of data which are subject to the processing; the data subjects concerned; the entities to, and the purposes for which, the personal data may be disclosed; the purpose limitation; storage periods; and processing operations and processing procedures, including measures to ensure lawful and fair processing such as those for other specific processing situations as provided for in [Chapter IX](#). ⁴The Union or the Member State law shall meet an objective of public interest and be proportionate to the legitimate aim pursued.

4. Where the processing for a purpose other than that for which the personal data have been collected is not based on the data subject's consent or on a Union or Member State law which constitutes a necessary and proportionate measure in a democratic society to safeguard the objectives referred to in [Article 23](#)(1), the controller shall, in order to ascertain whether processing for another purpose is compatible with the purpose for which the personal data are initially collected, take into account, inter alia:
 1. any link between the purposes for which the personal data have been collected and the purposes of the intended further processing;
 2. the context in which the personal data have been collected, in particular regarding the relationship between data subjects and the controller;
 3. the nature of the personal data, in particular whether special categories of personal data are processed, pursuant to [Article 9](#), or whether personal data related to criminal convictions and offences are processed, pursuant to [Article 10](#);
 4. the possible consequences of the intended further processing for data subjects;
 5. the existence of appropriate safeguards, which may include encryption or pseudonymisation.

Article 9 GDPR Processing of special categories of personal data

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.
2. Paragraph 1 shall not apply if one of the following applies:
 1. the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;
 2. processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
 3. processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
 4. processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
 5. processing relates to personal data which are manifestly made public by the data subject;
 6. processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
 7. processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and

- specific measures to safeguard the fundamental rights and the interests of the data subject;
8. processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;
 9. processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;
 10. processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with [Article 89\(1\)](#) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.
3. Personal data referred to in paragraph 1 may be processed for the purposes referred to in point (h) of paragraph 2 when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under Union or Member State law or rules established by national competent bodies or by another person also subject to an obligation of secrecy under Union or Member State law or rules established by national competent bodies.
 4. Member States may maintain or introduce further conditions, including limitations, with regard to the processing of genetic data, biometric data or data concerning health.

The DfE and government requires us to collect a lot of data by law, so that they can monitor and support schools more widely, as well as checking on individual schools' effectiveness.

- Personal information – e.g. names, pupil numbers and addresses
- Characteristics – e.g. ethnicity, language, nationality, country of birth and free school meal eligibility
- Attendance information – e.g. number of absences and absence reasons
- Assessment information – e.g. national curriculum assessment results
- Relevant medical information
- Information relating to SEND and health needs
- Behavioural information – e.g. number of temporary exclusions

Why we collect and use this information

We use the pupil data to:

- enable good quality, targeted learning for individuals,
- provide suitable care and support for pupils,
- assess and monitor pupil progress,

- monitor our effectiveness as a school,
- comply with the law regarding data sharing,
- to protect and safeguard pupils.

The lawful basis on which we use this information

We make sure that information we collect and use about pupils is in line with the GDPR and Data Protection Act. This means that we must have a lawful reason to collect the data, and that if we share that with another organisation or individual we must have a legal basis to do so.

The lawful basis for schools to collect information comes from a variety of sources, such as the Education Act 1996, Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013, Article 6 and Article 9 of the GDPR.

The Department for Education and Local Authorities require us to collect certain information and report back to them. This is called a 'public task' and is recognised in law as it is necessary to provide the information.

We also have obligations to collect data about children who are at risk of suffering harm, and to share that with other agencies who have a responsibility to safeguard children, such as the police and social care.

We also share information about pupils who may need or have an Education Health and Care Plan (or Statement of Special Educational Needs). Medical teams have access to some information about pupils, either by agreement or because the law says we must share that information, for example school nurses may visit the school. Counselling services, careers services, occupational therapists are the type of people we will share information, so long as we have consent or are required by law to do so.

In school we also use various third party tools to make sure that pupil's best interests are advanced. This includes financial software to manage school budgets, which may include some pupil data. We use software to track progress and attainment. We must keep up to date information about parents and carers for emergency contacts.

We also use contact information to keep pupils, parents and carers up to date about school events.

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

We hold pupil data for the following:

- Pupils educational record – Retained while the child remains at Oakwood Infant and Nursery School and then passed to the child's Primary school once they have left.
- Parents sign the Consent Form annually/Parents sign the Consent Form on entry and it is kept while the child attends the school
- If the child transfers to an independent school, transfers to home schooling or leaves the country the file will be returned to the local authority to be retained for the statutory retention period.
- Child Protection information held on Pupil copies will be put in a sealed envelope and then retained for the same period of time as the pupil file.
- Any Child Protection data held in separate files will be kept until the child is 25 followed by SECURE DISPOSAL.

Who we share pupil information with

Only where required we share information with the following:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)
- School Nurses and Health Workers, Paediatricians,
- Children's services and Social Care
- Family Solutions
- Barnardos
- CAFCAS
- Police, Child Protection, LADO
- Solicitors on Parents request

- Therapists, Emotional wellbeing and Mental Health Service
- Physiotherapists
- Speech Therapists
- Occupational Therapists
- Educational Psychologist
- Behaviour Support Team
- Welfare Support Agencies

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>.

Further information

If you would like to discuss anything in this privacy notice, please contact the Headteacher or Personnel Manager.

The Data Processing Officer for Oakwood Infant and Nursery School is:

SBM Services (UK) Ltd
12 Park Lane Business Centre
Park Lane
Langham
Colchester
CO4 5WR

Email: info@sbmservices.co.uk

Telephone: 01206 671103

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 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 a member of the office staff at Oakwood Infant and Nursery School.

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, we request that you raise your concern with us in the first instance. Alternatively, you can contact 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 a member of the office staff at Oakwood Infant and Nursery School who will refer you to a member of the Senior Leadership Team.