

# Privacy Notice for Learners and Parents/Carers

<b>Document Title</b>	Privacy Notice for Learners and Parents/Carers
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<b>Version Number</b>	V1
<b>Approved by</b>	Trust Executive
<b>Effective from</b>	January 2024
<b>Due for Revision</b>	January 2025

## **Introduction**

This privacy notice describes how The Prospect Trust and its constituent academies (collectively referred to as 'the Trust') collect and use personal information about you during and after your study relationship with us, in accordance with the UK General Data Protection Regulation (UK GDPR).

It should be noted that while this privacy notice applies to learners and parents/carers of all Trust academies, data is not shared between academies unless there is a specific requirement as listed under the 'Sharing Data' section of this policy.

Following Brexit, Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relate to general personal data processing, powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

It applies to all learners and parents/carers.

## **Who Collects this Information**

The Trust is a "data controller." This means that we are responsible for deciding how we hold and use personal information about you.

We are required under data protection legislation to notify you of the information contained in this privacy notice. This notice does not form part of any contract to provide services and we may update this notice at any time.

It is important that you read this notice, together with any other policies referenced within this privacy notice, to be aware of how and why we process your personal data; what your rights are under data protection legislation; and the procedures we take to protect your personal data.

## **Data Protection Principles**

We will comply with the data protection principles when gathering and using personal information, as set out in our data protection policy.

## **Categories of Learner Information We Collect, Process, Hold and Share**

We may collect, store and use the following categories of personal information about you:

- Personal information such as name, learner number, date of birth, gender and contact information;
- Emergency contact and family lifestyle information such as names, relationship, phone numbers and email addresses;
- Characteristics (such as language, and free school meal eligibility);
- Attendance details (such as sessions attended, number of absences and reasons for absence);

- Performance and assessment information;
- Behavioural information (including exclusions);
- Images of learners engaging in academy activities, and images captured by the Trust's CCTV system;
- Information about the use of our IT, communications and other systems, and other monitoring information;

We may also collect, store and use the following more sensitive types of personal information:

- Information about your race or ethnicity, religious or philosophical beliefs
- Information about your health, including any medical conditions and sickness records.
- Special educational needs information;
- Biometric data

### **How We Collect this Information**

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. To comply with the UK General Data Protection Regulation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

### **How We Use Your Personal Information**

We hold learner data and use it for:

- Learner admission (and to confirm the identity of prospective learners and their parents);
- Providing education services and extra-curricular activities to learners, and monitoring learners' progress and educational needs;
- Informing decisions such as the funding of academies;
- Assessing performance and to set targets for academies;
- Safeguarding learners' welfare and providing appropriate pastoral (and where necessary medical) care;
- Support teaching and learning;
- Giving and receive information and references about past, current and prospective learners, and to provide references to potential employers of past learners;
- Managing internal policy and procedure;
- Enabling learners to take part in assessments, to publish the results of examinations and to record learner achievements;
- To carry out statistical analysis for diversity purposes;
- Legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with legal obligations and duties of care;
- Enabling relevant authorities to monitor the academy's performance and to intervene or assist with incidents as appropriate;
- Monitoring use of the Trust's IT and communications systems;
- Making use of photographic images of learners in publications, on the academy and/or Trust websites and on social media channels;

- Security purposes, including CCTV; and
- Where otherwise reasonably necessary for the Trust's purposes, including to obtain appropriate professional advice and insurance for the Trust.

We will only use your information when the law allows us to. Most commonly, we will use your information in the following circumstances:

- Consent: the individual has given clear consent to process their personal data for a specific purpose;
- Contract: the processing is necessary for a contract with the individual;
- Legal obligation: the processing is necessary 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 to perform a task in the public interest or for official functions, and the task or function has a clear basis in law; and
- The Education Act 1996: for Departmental Censuses 3 times a year. More information can be found [here](#).

We need all the categories of information in the list above primarily to allow us to comply with legal obligations. Please note that we may process information without knowledge or consent, where this is required or permitted by law.

### **How We Use Particularly Sensitive Information**

Special categories of particularly sensitive personal information, such as information about your health, racial or ethnic origin, sexual orientation, or biometrics require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations in line with our data protection policy.
- Where it is needed in the public interest, such as for equal opportunities monitoring.
- Where it is necessary to protect you or another person from harm.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

## Sharing Data

We may need to share your data with third parties where it is necessary. There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared unless it's the only way we can make sure you stay safe and healthy, or we are legally required to do so.

We share learner information with:

- the Department for Education (DfE) - on a statutory basis under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013;
- Ofsted;
- Other schools or colleges that learners have attended/will attend;
- NHS;
- Welfare services (such as social services);
- Law enforcement officials such as police, HMRC;
- Local Authority Designated Officer;
- Professional advisors such as lawyers and consultants;
- Support services (including insurance, IT support, information security);
- Providers of learning software;
- The Local Authority;
- Youth support services – under section 507B of the Education Act 1996, to enable them to provide information regarding training and careers as part of the education or training of 13–19-year-olds;

The Department for Education request regular data sharing on learner attendance to help support those vulnerable students and to assist with intervention strategies. Further information can be found [here](#).

Information provided to the agencies listed above will be securely or anonymised where possible. The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

Some learning software providers used by the Trust operate outside the UK and the EU. If we need to transfer your personal information outside the UK and the EU, you can expect a similar degree of protection in respect of your personal information.

We do not share information about our learners with anyone without consent unless otherwise required by law. For example, we share students' data with the DfE on a statutory basis which underpins school funding and educational attainment. Further information about the data collection requirements placed on us by the DfE can be found [here](#).

## Storing Learner Data

The Trust keeps information about learners on computer systems and sometimes on paper.

Except as required by law, the Trust only retains information about learners for as long as necessary in accordance with timeframes imposed by law.

## Biometric Data

At the Trust] we would like to use your information as part of an automated (i.e. electronically operated) recognition system. This may be for the purposes of catering, library access, etc. The information that we wish to use is referred to as 'biometric information'. This data will only be processed once we have obtained appropriate consent.

## Automated Decision Making

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision making in limited circumstances.

Learners will not be subject to automated decision-making, unless we have a lawful basis for doing so and we have notified you.

## Retention Periods

Except as otherwise permitted or required by applicable law or regulation, the Trust only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

## Security

We have put in place measures to protect the security of your information (i.e., against it being accidentally lost, used, or accessed in an unauthorised way).

## Youth Support Services

### Pupils aged 13+

Once our pupils reach the age of 13, we also pass pupil information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13–19-year-olds under section 507B of the Education Act 1996.

We must provide the pupils name, the parents name(s) and any further information relevant to the support services role.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent or guardian can request that only their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once he/she reaches the age 16.

### Pupils aged 16+

We will also share certain information about pupils aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13–19-year-olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers
- youth support services

- careers advisers

For more information about services for young people, please visit the relevant local authority.

### **The National Pupil Database**

The NPD is owned and managed by the Department for Education and contains information about learners 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. 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. For further information on the NPD please visit the [website](#).

The department may share information about our learners 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 learner 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 the [website](#).

For information about which organisations the department has provided pupil information, (and for which project), please visit the [government website](#).

### **Requesting Access to your Personal Data**

Under data protection legislation, parents/carers and learners have the right to request access to information about them that we hold. To make a request for your personal information, please contact the GDPR Lead at the relevant academy;

- Frimley CofE Junior School: Clare Wright, Headteacher: [head@frimley.surrey.sch.uk](mailto:head@frimley.surrey.sch.uk)

- Tomlinscote School: Rob Major, Principal: [rmajor@tomlinscoteschool.com](mailto:rmajor@tomlinscoteschool.com)
- Sixth Form College Farnborough: Nicola Mullan, Executive Office Manager: [nmullan@farnborough.ac.uk](mailto:nmullan@farnborough.ac.uk)

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

If you want to request information, please see our Data Protection policy which includes the procedures we take for Subject Access Requests. The Data Protection policy can be found on the [Trust website](#).

### **Right to Withdraw Consent**

In circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Academy GDPR lead as listed above. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **Contact**

If you would like to discuss anything within this privacy notice or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with the Academy GDPR lead as listed above in the first instance.

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by the Academy GDPR Lead, then you can contact the DPO on the details below:

Data Protection Officer:	Judicium Consulting Limited
Address:	72 Cannon Street, London, EC4N 6AE
Email:	<a href="mailto:dataservices@judicium.com">dataservices@judicium.com</a>
Web:	<a href="http://www.judiciumeducation.co.uk">www.judiciumeducation.co.uk</a>
Lead Contact:	Craig Stilwell

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues via their [website](#).

### **Changes to this Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.