

Old Hall Special School (OHS)
Privacy Notice
How information about pupils is used in Educational settings and Early Years provisions.

Why do we collect and use pupil information?

Old Hall collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable OHS to provide education and other associated functions, including, administer school property maintain our own accounts and records carry out fundraising support and manage our employees

In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Lawfulness of processing - Please see appendix 1

Processing of special categories of personal data – Please Appendix 2

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Privacy Notice to all pupils/parents; this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

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 safeguard pupils

Type/classes of information processed

We process information relating to the above reasons/purposes. This information may include:

- family, lifestyle and social circumstances
- financial details
- education details
- employment details
- student and disciplinary records
- vetting checks
- goods and services
- visual images, personal appearance and behaviour
- Personal information (such as name, unique pupil number and address)
- Parental information
- 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)
- Summative assessment information.
- Medical information
- SEN information

- Safeguarding information
- Behavioural information

We also process sensitive classes of information that may include:

- physical or mental health details
- racial or ethnic origin
- religious or other beliefs of a similar nature
- trade union membership
- sexual life
- offences and alleged offences

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.

Who the information is processed about

We process personal information about:

- our students and pupils
- advisers and other professional experts
- school staff
- members of school boards
- donors and potential donors
- suppliers
- complainants and enquirers

Storing pupil data

- Information is not retained for longer than is necessary. (Pupil information will stay with OHS until the pupil moves to a new placement or school).
- ,. Pupil data is transferred securely to the next School/ placement via CTF, or with a signed receipt for handover of all (hardcopy) information being transferred.

Who the information may be shared with

We sometimes need to share the personal information we process with the individual them self and also with other organisations. Where this is necessary we are required to comply with all aspects of the Data Protection Act (DPA). What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons.

Where necessary or required we share information with:

- education, training, careers and examining bodies
- school staff and boards
- family, associates and representatives of the person whose personal data we are processing
- local and central government

- healthcare professionals
- social and welfare organisations
- police forces
- courts
- current, past or prospective employers
- voluntary and charitable organisations
- business associates and other professional advisers
- suppliers and service providers
- financial organisations
- security organisations
- press and the media
- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)
- WCSB (Walsall children's safeguarding board, where necessary)
- School health professionals (school nurse practitioners) NHS

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>.

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

To find out more about the NPD, please 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, in the first instance, please contact:

The Head teacher, Old Hall Special School, Bentley Lane, Walsall WS2 7LU- 01902 368045

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

If you have a concern about the way we are collecting or using your personal data/ your child's 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, in the first instance, please contact:

The Head teacher,
Old Hall Special School,
Bentley Lane, Walsall
WS2 7LU
01902 368045

Or contact us through:
dpo@old-hall.walsall.sch.uk

Appendix 1.

Processing shall be lawful only if and to the extent that **at least one of the following applies:**

- (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- (b) 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;
- (c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- (e) 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;
- (f) 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. Point (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: (a) Union law; or (b) Member State law to which the controller is subject. The 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. That 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 4.5.2016 L 119/36 Official Journal of the European Union EN processing situations as provided for in Chapter IX. The 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: (a) any link between the purposes for which the personal data have been collected and the purposes of the intended further processing; (b) the context in which the personal data have been collected, in particular regarding the relationship between data subjects and the controller; (c) 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; (d) the possible consequences of the intended further processing for data subjects; (e) the existence of appropriate safeguards, which may include encryption or pseudonymisation

Appendix 2

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.

Paragraph 1 shall not apply if one of the following applies:

(a) 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;

(b) 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;

(c) 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;

(d) 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;

(e) processing relates to personal data which are manifestly made public by the data subject;

(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

(g) 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;

(h) 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;

(i) 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; 4.5.2016 L 119/38 Official Journal of the European Union EN

(j) 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.

Appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

Old Hall School will ensure that all personal data is accessible only to those who have a valid reason for using it.

Old Hall School will have in place appropriate security measures e.g.

- ensuring that hard copy personal data is kept in lockable filing cabinets/ cupboards with controlled access;
- keeping all personal data in a lockable room with key-controlled access;
- password protecting personal data held electronically;
- archiving personal data on disks which are then kept securely (lockable cabinet);
- placing any PCs or terminals, CCTV camera screens etc. that show personal data so that they are not be visible except to authorised staff.

In addition,

Old Hall School will put in place appropriate measures for the deletion of personal data

- manual records will be shredded or disposed of as 'confidential waste', and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal, or if that is not possible, destroyed physically.

This policy also applies to staff and students who process personal data 'off-site', e.g. when working at home, and in such circumstances additional care must be taken regarding the security of the data.

Definitions

Data Controller: Any individual or organisation who controls personal data, in this instance the School.

Personal Data: Data which relates to a living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, Internet or media.

Sensitive Personal Data: Personal data relating to an individual's race or ethnic origin, political opinions, religious beliefs, physical/mental health, trade union membership, sexual life and criminal activities.

Relevant Filing System: Also known as manual records i.e. a set of records which are organised by reference to the individual/their criteria and are structured in such a way as to make specific information readily accessible e.g. personnel records, microfiches.

Data Subject: An individual who is the subject of the personal data, for example, employees, pupils, claimants etc.

Processing: Obtaining, recording or holding data or carrying out any operation on the data including organising, adapting, altering, retrieving, consulting, using, disclosing, disseminating, aligning, blocking, erasing or destroying the data.

Accessible Records: Any records which are kept by the Organisation as part of a statutory duty, e.g. pupil records, housing tenancy records, social services records.

Data Protection Policy

Parent: Has the meaning given in the Education act 1996, and includes any person having parental responsibility or care of a child.

CTF The Common Transfer File (CTF) is the mechanism whereby schools transfer “common transfer information” to a subsequent school when a pupil leaves as specified in the Education (Pupil Information) (England) Regulations 2005