

# Pupil Data Protection Privacy Notice

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Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing ‘privacy notices’ (sometimes called ‘fair processing notices’) to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about pupils.

We, James Brindley Academy, Bell Barn Road, Edgbaston Birmingham B15 2AF, are the ‘data controller’ for the purposes of data protection law.

Our data protection officer is Jo Murgatroyd (see ‘Contact us’ below).

**The personal data we hold, why we use this data and the lawful basis for processing**

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

<b>Data we collect</b>	<b>Why we use this data</b>	<b>Lawful basis for using this data</b>
Contact details, contact preferences, date of birth, identification documents	Administer admissions processes and contact parents/carers	To comply with a legal obligation and public task
Results of externally set tests	To provide results to pupils and public organisations and assess the quality of our service.	Public task
Pupil and curricular records including internal assessments and behavioural information	Assess the appropriateness of pupil referrals for a placement at the school, to support pupil learning and transition and assess the quality of our service.	To comply with a legal obligation and public task
Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs	To enable equalities monitoring and assess the quality of our service	To comply with a legal obligation and equality monitoring
Exclusion information	As part of a legal process and to support pupil learning and assess the quality of our service.	To comply with a legal obligation and public task
Details of any medical conditions, including physical and mental health	Assess the appropriateness of pupil referrals for a placement at the school, to support pupil learning and welfare and transition and assess the quality of our service.	To perform a task that is in the substantial public interest
Attendance information	Safeguarding and to report on pupil progress	To comply with a legal obligation



Safeguarding information	Protect pupil safety and welfare, provide appropriate pastoral care	To perform a task that is in the substantial public interest and to protect the data subject's vital interests
Details of any support received including care packages, plans, support providers and medical evidence	Protect pupil safety and welfare, and provide appropriate pastoral care	To perform a task that is in the substantial public interest and to protect the data subject's vital interests
Photographs and videos	Internal and external marketing	Consent or where it is in our legitimate interest
CCTV images captured on school premises	Protect pupil safety and welfare	Legitimate interest

We may also hold data about pupils that we have received from other organisations, including other schools, health providers, local authorities and the Department for Education. Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at anytime but this may impact on our ability to deliver our services. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

**Collecting this information**

While the majority of information we collect about pupils is mandatory, there is some information that can be provided voluntarily. Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

**How we store this data**

We keep personal information about pupils while they are attending our school in line with our Data Protection Policy. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. The school uses the Information and Records Management Society's toolkit for schools to determine how long we keep information about pupils. The school retains pupil information in accordance with the legal requirements, for educational records this is the date of birth of the pupil + 25 years. Unsuccessful pupil referrals information will be retained for 12 months.

**Data sharing**

We do not share information about pupils with any third party without consent unless the law allows us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about pupils with:

- *Our local authority – to meet our legal duties to share certain information with it, such as concerns about pupils' safety and exclusions*
- *The Department for Education (a government department) – to meet our legal duties to share certain information with it, such as census returns*



- *Your family and representatives – so they are aware of your progress and wellbeing in school, as they have parental responsibility*
- *Educators and examining bodies – so that pupils can access their educational rights*
- *Our regulator, OFSTED, (the organisation or “watchdog” that supervises us), - to meet our legal duties and ensure that we are complying with regulation requirements*
- *Financial organisations – so that the school can receive the correct funding for pupil placements*
- *Central and local government – to meet our legal duties to provide certain information, such as pupil outcomes*
- *Our auditors – to ensure we are fulfilling our legal obligations associated with financial regulations*
- *Health authorities – so that we can ensure the wellbeing and correct educational provision for pupils*
- *Health and social welfare organisations – to provide appropriate support and ensure that the school complies with legal requirements associated with safeguarding including child protection*
- *Professional advisers and consultants – to ensure that the school effectively quality assures provision and to support school improvements for the benefit of the pupils*
- *Police forces, courts, tribunals – to meet our legal duties to share certain information in circumstances such as the detection and investigation of a crime*
- *Professional bodies – to meet our legal duties to provide educational provision*
- *Suppliers and service providers – so that they can provide the services we have contracted them for. These providers then become a data processor.*

<b>Data Processor</b>	<b>The service provided</b>
Arbor	Cloud based pupil database
ADT Reseller	CCTV
BitNet Solutions	IT support
Microsoft Office 365	Cloud based IT platform that enables on-line teaching and document storage
Compass +	Cloud based pupil careers database
Impero Education Pro	Internet monitoring
Senso	Internet monitoring
Thrive	Emotional development profiling tool
CPOMS	Incident logging
SIRENS	Incident logging
e4education	Website host
Fast SMS	SMS messaging service
Michael’s Mentors	Mentoring service
Open Theatre	Drama teaching
TLC Live	On-line tutoring service
School cloud parents evening	On-line appointments system
Schools Broadband	Internet Service Provider
SISRA	Educational results analysis

**National Pupil Database**

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census and early years census.

Some of this information is then stored in the National Pupil Database (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research. The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.



The Department for Education may share information from the NPD with other organisations which promote children's education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use the data.

For more information, see the Department's webpage on how it collects and shares research data. You can also contact the Department for Education with any further questions about the NPD.

### **Youth support services**

Once our pupils reach the age of 13, we are legally required to pass on certain information about them to Birmingham Local Authority, as it has legal responsibilities regarding the education or training of 13-19 year-olds.

This information enables it to provide youth support services, post-16 education and training services, and careers advisers.

Parents/carers, or pupils once aged 16 or over, can contact our data protection officer to request that we only pass the individual's name, address and date of birth to Birmingham Local Authority.

### **Transferring data internationally**

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

### **Parents and pupils' rights regarding personal data**

All individuals have a right to make a '**data subject access request**' to gain access to personal information that the school holds about them.

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Parents also have the right to make a data subject access request with respect to any personal data the school holds about them.

If a data subject access request is made, and if we do hold information about the data subject, we will:

- Give a description of it
- Say why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from the parent or child
- Say who it has been, or will be, shared with
- Say whether any automated decision-making is being applied to the data, and any consequences of this
- Issue a copy of the information in an intelligible form

Individuals also have the right for their personal information to be transmitted electronically to another organisations in certain circumstances.

If you would like to make a request please contact our data protection officer.

Parents/carers also have a legal right to access to their child's **educational record**. To request access, please contact [enquiry@jamesbrindley.org.uk](mailto:enquiry@jamesbrindley.org.uk)

### **Other rights**



Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our data protection officer.

### Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our data protection officer.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our data protection officer:

Jo Murgatroyd ([dpo@jamesbrindley.org.uk](mailto:dpo@jamesbrindley.org.uk)), Data Protection Officer, Corporate Services, Bell Barn Road, Edgbaston, Birmingham B15 2AF