

## Privacy Notice

### How we use pupil and parent<sup>1</sup> information

Old Swinford Hospital is the Data Controller for the use of personal data in this privacy notice

#### The categories of pupil and parent information that we process include

##### Pupil data

- Personal information such as name, address and date of birth
- Characteristics such as gender, ethnicity, country of birth and language
- Identifiers such as unique pupil number and, where necessary, passport details
- Contact details such as telephone numbers and email addresses
- Eligibility for free school meals, pupil premium, forces premium or other entitlement
- Safeguarding information such as court orders and professional involvement
- Any relevant medical information such as doctors information, child health, dental health, allergies, medication and dietary requirements
- Welfare information such as referrals to counsellors
- Special educational needs and any relevant education and health care plans
- Personal education plans where relevant
- Previous schools' references, where necessary
- Suitability for boarding assessments
- Attendance information such as sessions attended, number of absences, absence reasons and any previous schools attended
- Curricular and subject choices
- Educational assessment and attainment information such as key stage outcomes, classwork marking, intervention strategies, assessment/examination or test results and destination data
- Behavioural information such as detentions, suspensions, exclusions and any relevant alternative provision put in place
- Attitude to learning assessments
- Extra and co-curricular information including trips, visits and team selections
- Photographic and video images
- Vehicle details for those who use the School's car parking facilities
- CCTV images
- Site/Building access information
- We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education (DfE)

##### Parent data

- Personal information such as name, address and relationship to pupil
- Proof of address
- Bank details or payment card information where fee payments or school services/clubs are paid for electronically.
- Contact details such as telephone numbers and email addresses including those to be contacted in case of emergency

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<sup>1</sup> Any reference to parent includes carers and guardians

- CCTV images
- Site/Building access information

We may collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Characteristics, such as ethnicity, languages spoken and eligibility for certain benefits
- Family circumstances
- Physical and mental health, including medical conditions
- Support received, including care packages, plans and support providers

We may also hold data about you that we have received from other organisations, including other schools and social services.

## **Why we collect and use this information**

We collect and use this data to:

- Respond to requests for information about joining the School
- Inform the school admissions process
- Support pupil learning
- Monitor and report on pupil progress and attainment
- Enter pupils for examinations
- Provide appropriate pastoral care
- Establish a boarding contract
- Process payments for school services and clubs
- Assess the quality of our services
- Keep children safe
- Support vulnerable children and any other key groups
- Establish funding streams for children with needs
- Comply with requirements to share information with a local authority
- Meet the statutory duties placed upon us for DfE data collections
- Communicate with you
- Keep you informed about the school community and let you know of events
- Support site and personal security

## **The lawful basis on which we collect and process this information under UK GDPR**

In order to meet legal requirements or carry out its duties and its functions the School may process a range of personal data about individuals.

Information is required in the first instance to establish a place in school for each child and the School will therefore have a legitimate interest for collecting and processing basic personal data and sensitive personal data.

Thereafter the information it collects and processes will be in order to:

- Fulfil its duties or obligations to provide education and support and monitor pupils' learning (lawful basis: public task)
- Care and cater for the needs of its pupils, their welfare, wellbeing, pastoral care and their safety and this may include sensitive personal data for health and social care purposes (lawful basis: vital interest)
- Process legal claims or to protect your vital interests and where you are unable to provide your consent

- Inform and support the boarding contract (lawful basis: contract)
- Meet statutory requirements to provide information to local authorities and the DfE including pupil data for the school census under the Education Act 1996 (lawful basis: legal obligation)

We can also use any information where you have provided your consent (lawful basis: consent)

## Collecting information

We collect information via the registration and admissions process and thereafter by our working with pupils each day in school and in boarding time.

The personal data collected is essential for a school's operational use and whilst the majority of information provided to us is mandatory, some of it requested on a voluntary basis. In order to comply with UK GDPR, we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

## Storing information

We hold data securely for the set amount of time required by law or regulation or as otherwise advised in guidance provided by the Information and Records Management Society. For more information on data retention and how we keep your data safe, please read our data protection policy on the School's website.

Records generated solely for legitimate reasons will be disposed of when the pupil leaves school (or after the end of the admissions cycle if the pupil does not attend the school) unless we assess, at that time, that they are required for longer by law or regulation or for other reasons. Where this is for other reasons you will be notified. In respect of any matters of safeguarding information will be kept as long as we require.

## Who we share this information with

We routinely share pupil information with:

- Schools that pupils attend after leaving us
- Local authorities
- Youth support services (pupils aged 13+ and 16+)
- The DfE & Ofsted
- The School's doctor (where appropriate)
- Examination boards
- The Combined Cadet Force where applicable
- Duke of Edinburgh and other trip/visit co-ordinators as applicable
- Work experience co-ordinators and assessors
- Suppliers, service providers and professional advisors – to enable them to provide the service we have contracted them for such as, but not limited to, caterers, educational psychologist, SEN assessor etc.
- Services such as the NHS or Police where appropriate
- Colleges and UCAS where references are requested
- The pupil's family and representatives where authorised
- Our School Information Systems providers
- Insurance providers (where necessary)

We may be required to share collective information via a Freedom of Information request but we will do this only as long as individuals cannot be identified.

## Why we share this information

We do not share information with anyone without consent unless the law and our policies allow us to do so. We will share information where we are required to do so by law or by order of the court or to prosecuting authorities for the sole purpose of investigations and/or proceedings.

We will share safeguarding information where necessary and we will do this in an appropriate way.

Where we share information we do so only to the extent that it is required for that purpose.

### **Youth support services – pupils aged 13+**

Once our pupils reach the age of 13, we also pass pupil information to a 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:

- Youth support services
- Careers advisers

A parent can object to any information additional to their child's name, address and date of birth being passed to a local authority or provider of youth support services by informing us. This right is transferred to the pupil once they reach the age 16.

### **Youth support services – pupils aged 16+**

We will also share certain information about pupils aged 16+ with a 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

Once a pupil reaches the age of 16 they can object to any information beyond their name, address and date of birth, being passed to a local authority or provider of youth support services by informing us.

For more information about services for young people, please visit our local authority website.

### **Local Authorities**

We may be required to share information about our pupils with a local authority to ensure that they can conduct their statutory duties including but not necessarily limited to:

- Duties under the Schools Admission and Appeal Codes, including conducting Fair Access Panels
- Reporting children missing in education
- Reporting and managing suspensions and exclusions
- Working with the Virtual Head of School in relation to the education and care of looked after children and, where necessary, previously looked after children
- Reporting and managing safeguarding concerns

### **Department for Education**

The DfE collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our pupils with the DfE either directly or via a local authority for the purpose of those data collections, under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by DfE under a combination of software and hardware controls, which meet the current government security policy framework. For more information, please see 'How Government uses your data' section below.

## How Government uses your data

The pupil data that we lawfully share with the DfE through data collections:

- Underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- Informs 'short term' education policy monitoring and school accountability and intervention (for example, school GCSE results or Pupil Progress measures).
- Supports 'longer term' research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

### Data collection requirements

To find out more about the data collection requirements placed on us by the DfE (for example; via the school census) go to:

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

### The National Pupil Database (NPD)

Much of the data about pupils in England goes on to be held in the National Pupil Database (NPD). The NPD is owned and managed by the DfE 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.

To find out more about the NPD, go to:

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

### Sharing by the Department

The law allows the Department to share pupils' personal data with certain third parties, including:

- Schools
- Local authorities
- Researchers
- Organisations connected with promoting the education or wellbeing of children in England
- Other government departments and agencies
- Organisations fighting or identifying crime

For more information about the Department's NPD data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website:

<https://www.gov.uk/government/publications/dfе-external-data-shares>

## How to find out what personal information DfE hold about you

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department:

- If they are processing your personal data
- For a description of the data they hold about you
- The reasons they're holding it and any recipient it may be disclosed to
- For a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

To contact the department: <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 the Bursar at the School's address.

You also have the right to:

- Object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- Not be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you
- Have your personal data rectified if it is inaccurate or incomplete
- Request the deletion or removal of personal data where there is no compelling reason for its continued processing
- Restrict our processing of your personal data (i.e. permitting its storage but no further processing)

If you have a concern about the way we are collecting or using your personal data, we ask 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/>

For further information on how to request access to personal information held centrally by the DfE, please refer back to the 'How Government uses your data' section of this notice.

## Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data on the basis of consent, you have the right to withdraw that consent. If you change your mind, or are unhappy with the use of your personal data, please let us know by contacting the Bursar.

## Contact

If you would like to discuss anything in this privacy notice, please contact the Bursar.

*We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated December 2022.*

Under UK General Data Protection Regulation (UK GDPR) the legal basis/bases we rely on for processing person information are set out below and are in accordance with Article 6 and, where the data processed is special category data are in accordance with Article 9.

Data	Basis for lawful processing					
	Consent	Contract	Compliance with a legal obligation	Vital interest	Legitimate interests	
<b>Pupil data</b>						
Personal information such as name, address and date of birth		This information is required for the purpose of entering a boarding contract	Legal requirement to maintain an admissions register and attendance register and to keep educational records about present and former pupils. The admission register must contain: <ul style="list-style-type: none"> <li>• name in full</li> <li>• sex</li> <li>• day, month and year of birth</li> <li>• whether the pupil attends on a boarding or day basis</li> <li>• name and address of every person known to be a parent of the pupil, a note of who has custody of the pupil and the telephone number, or numbers on which the parent/responsible adult can be contacted in an emergency</li> <li>• day, month and year of admission or re-admission</li> <li>• name and address of the school last attended if any</li> </ul> We are obliged to forward this information to the new school when a pupil moves Local authorities (LAs) can request information about particular children for example, but not limited to where there are child protection issues, suspensions, exclusions, managed moves or where a child is missing in education. The information we share may include: <ul style="list-style-type: none"> <li>• name</li> <li>• gender</li> <li>• date of birth</li> <li>• date of admission to the school</li> <li>• home postcode</li> <li>• ethnic group</li> <li>• first language</li> <li>• unique reference number</li> <li>• whether the pupil is entitled to free school meals</li> <li>• if relevant, where the pupil is placed on the stages of the scale of special educational needs</li> </ul>	Keeping Children Safe in Education requires us to ensure we have emergency contact details	To enable us to: <ul style="list-style-type: none"> <li>• Communicate with you</li> <li>• Know our pupils and their particular needs</li> <li>• To enter pupils for examinations</li> </ul>	
Contact details such as telephone numbers and email addresses						
Characteristics such as gender, ethnicity, country of birth and language						
Identifiers such as unique pupil number and, where necessary, passport details						

Data	Basis for lawful processing				
	Consent	Contract	Compliance with a legal obligation	Vital interest	Legitimate interests
			<p>and disability (SEND), to which reference is made in the SEND Code of Practice</p> <ul style="list-style-type: none"> <li>Any information relevant to the reason for sharing the information e.g. attendance, behavioural records etc.</li> </ul> <p>We require this information to meet the statutory duties placed upon us for DfE data collections</p> <p>We require confirmation of National Identity for Border Force regulations and checks on foreign students</p>		
Eligibility for free school meals, pupil premium, forces premium or other entitlement					<p>To enable us to:</p> <ul style="list-style-type: none"> <li>Provide free school meals</li> <li>Access funding to support a child's learning and welfare</li> </ul>
Safeguarding information such as court orders and professional involvement			<p>We require this information to keep children safe and provide appropriate pastoral care and support</p> <p>We may also be obliged to share the information with the LA and/or other relevant authorities specific to the matter concerned</p>		
Any relevant medical information such as doctors information, child health, dental health, allergies, medication and dietary requirements					
Welfare information such as referrals to counsellors					
Special educational needs and any relevant education and health care plans			<p>We require this information to:</p> <ul style="list-style-type: none"> <li>Ensure we know our pupils and their needs so that we can meet those needs</li> <li>Support pupil learning</li> <li>Monitor and report on pupil progress and attainment</li> <li>Provide appropriate pastoral care</li> </ul>		<p>In ensuring we can meet children's needs we need to:</p> <ul style="list-style-type: none"> <li>Be able to consider and determine what reasonable adjustment may be required</li> <li>Identify any resource needs and whether these can be met</li> <li>Apply for any available funding to assist supporting the pupil at school</li> </ul>
Personal education plans where relevant					
Previous schools' references (boarding pupils only)			We have a requirement to assess suitability for boarding		<p>Ensure that pupils understand what coming to boarding school is like</p>
Suitability for boarding assessments			We also use these to ensure we are able to provide appropriate pastoral support where necessary		



Data	Basis for lawful processing				
	Consent	Contract	Compliance with a legal obligation	Vital interest	Legitimate interests
Attendance information such as sessions attended, number of absences, absence reasons and any previous schools attended			<p>We are required to keep an attendance register for both morning and afternoon school. This must indicate whether a pupil is present or not and if not then why not</p> <p>It must also record if a pupil is late and whether any absence was authorised or unauthorised</p> <p>We are required to use this information to:</p> <ul style="list-style-type: none"> <li>• Ensure proper safeguarding action is taken if necessary</li> <li>• Promote attendance to support learning</li> </ul> <p>Provide remote education where circumstances prevent attendance but the pupil is able to continue schooling</p>	It is of vital interest that any safeguarding concerns indicated through absence are acted upon	<p>We also record attendance:</p> <ul style="list-style-type: none"> <li>• At individual lessons which supports a pupil's learning</li> <li>• At afterschool sessions to promote activity in boarding time and to know where our pupils are for safety purposes</li> </ul>
Curricular and subject choices			This information forms part of a pupils school record		To support well informed pupil choices and to manage the delivery of sufficient timetabled allocation
Educational assessment and attainment information such as key stage outcomes, classwork marking, intervention strategies, assessment/examination or test results and destination data					To support education, monitoring of progress and future strategies for individual and collective learning.To inform pupil choice in further education, training and/or employment. To enter pupils for examinations
Behavioural information such as detentions, suspensions, exclusions and any relevant alternative provision put in place				The information may inform keeping the pupil and other pupils and staff safe	Information is used to best support a pupil who has behavioural concerns, informing strategies to manage and hopefully remedy them
Attitude to learning assessments					To promote a child's learning and ways of learning
Extra and co-curricular information including trips, visits and team selections			To inform risk assessments		To deliver a rounded educational experience
Photographic and video images	Team, class and school photos and & videos are		Pupil images on the school's information management system are required to identify a pupil for the purposes of keeping them safe for example in delivering medical support to the correct pupil, in providing allergen free foods to the correct pupil or in circulating a visual image in respect of a missing child		Promoting the school, reporting on school activities and celebrating pupil success and achievement

Data	Basis for lawful processing				
	Consent	Contract	Compliance with a legal obligation	Vital interest	Legitimate interests
	held with consent				
Vehicle details for those who use the School's car parking facilities			Identification of persons on site for security and safeguarding purposes		For site security and health & safety purposes
CCTV images			For the purposes of keeping pupils safe and responding to incidents	Site & personal security of pupils and staff	
Site/Building access information					
We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education (DfE)			<p>Depending on the nature of the information provided by another organisation it may fall into all or any of these categories for example:</p> <ul style="list-style-type: none"> <li>• Safeguarding information would be in compliance with statutory guidance for keeping children safe and also of vital interest for the welfare of a child.</li> <li>• The contents of a strategy for the education of a child with needs or information from a Virtual School Head would be a legitimate interest for both the individual's educational need, for their welfare and for the school so that it can support vulnerable children and any other key groups</li> <li>• A report on behavioural management concerns and any strategy to manage this would be in compliance with our obligations to keep the pupil and other pupils and staff safe whilst still meeting the requirement to provide an education for the pupil</li> </ul>		
<b>Parent data</b>					
Personal information such as name, address and relationship to pupil		This information is required for the purpose of entering a boarding contract	Legal requirement to maintain an admissions register that must contain the name and address of every person known to be a parent of the pupil, a note of who has custody of the pupil and the telephone number, or numbers on which the parent/responsible adult can be contacted in an emergency	To establish the pupils primary carer and who to contact in case of emergency	To enable us to: <ul style="list-style-type: none"> <li>• Communicate with you</li> <li>• Respond to requests for information about joining the School</li> <li>• Keep you informed of your child's educational progress</li> <li>• Circulate information on our school online platforms for example, sport/team selections and playing information, prep set, behaviour points etc.</li> <li>• Let you know what is happening in the school community and any changes, developments or proposals</li> </ul> Inform the school admissions process
Contact details such as telephone numbers and email addresses including those to be contacted in case of emergency			We are obliged to forward this information to the new school when a pupil moves		
Proof of address			<p>Required to:</p> <ul style="list-style-type: none"> <li>• Establish a right to state funded education</li> <li>• Apply oversubscription criteria (under the School Admissions Code) based on distance</li> </ul>		

Data	Basis for lawful processing				
	Consent	Contract	Compliance with a legal obligation	Vital interest	Legitimate interests
Bank details or payment card information where fee payments or school services/clubs are paid for electronically.	This information is kept only for the relevant transaction				Efficient administration for processing payments for boarding or for school services and clubs
CCTV images			For the purposes of keeping pupils safe and responding to incidents	Site & personal security of pupils and staff	
Site/Building access information					
<p>We may collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):</p> <ul style="list-style-type: none"> <li>Characteristics, such as ethnicity, languages spoken and eligibility for certain benefits</li> <li>Family circumstances</li> <li>Physical and mental health, including medical conditions</li> <li>Support received, including care packages, plans and support providers</li> </ul>			<p>Certain of this information would provide contextual background so that we can better support the pupil</p> <p>It also allows us to carry out our duties to support vulnerable children and any other key groups</p>	<p>An example of a family circumstance would be a court order about child access</p>	<p>An example of benefits would be the right to free school meals or pupil premium funding so that the relevant funding can be made to the school to provide relevant benefits for the pupil</p> <p>An example of languages would be where English is not a first language and we need to provide our school information to you in an alternative language/format</p>
We may also hold data about you that we have received from other organisations, including other schools and social services.				E.g. court arrangements for access	