



Malbank School & Sixth Form College

Privacy Notice - Pupils

Contents

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Page No.

1. The Categories of Pupil Information that we Process Include:	3
2. Why we Collect and Use Pupil Information	3-4
3. Collecting Pupil Information	4
4. Storing Pupil Data	4
5. Who we Share Pupil Information With	4-5
6. Why We Regularly Share Pupil Information	5
7. Youth Support Services	5-6
8. Department for Education (DfE)	6
9. Requesting Access to your Personal Data	6-7
10. Complaints	7-8
11. Last Updated	8
12. Contact Us	8

Malbank School and Sixth Form Privacy Notice - Pupils

1. The categories of Pupil Information that we Process Include:

- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- characteristics (such as ethnicity, language, and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- medical and administration (such as doctors' information, child health, dental health, allergies, medication and dietary requirements)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- assessment and attainment (such as key stage 1 and phonics results, post 16 courses enrolled for and any relevant results)
- behavioural information (such as exclusions and any relevant alternative provision put in place)

2. Why we Collect and use Pupil Information

We hold some personal information about you to make sure we can help you learn and look after you at school.

For the same reasons, we get information about you from some other places too – like other schools, the local council and the government.

We collect and use pupil information to support our statutory functions of running a school, in particular for the following purposes:

- to support pupil learning
- to monitor and report on pupil attainment progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to keep children safe (food allergies, or emergency contact details)
- to meet the statutory duties placed upon us for the Department for Education (DfE) data collections
- to communicate with parents/carers
- to respond to investigations from our regulators or to respond to complaints raised by stakeholders

We collect and use pupil information under the following lawful bases:

- where we have the consent of the data subject.
- where it is necessary for compliance with a legal obligation.
- where processing is necessary to protect the vital interests of the data subject or another person.
- where it 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.

Where the personal data we collect about pupils is sensitive personal data, we will only process it where:

- we have explicit consent.
- 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; and / or
- processing is necessary for reasons of substantial public interest, 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.

Please see our Data Protection (GDPR) Policy for a definition of sensitive personal data.

3. Collecting Pupil Information

We collect pupil information via registration forms at the start of the school year or Common Transfer File (CTF) or secure file transfer from a previous school.

Pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the data protection legislation, 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.

In addition, some of our schools use CCTV cameras around their school site for security purposes and for the protection of staff and pupils. CCTV footage may be referred to during the course of disciplinary procedures (for staff or pupils) or to investigate other issues. CCTV footage involving pupils will only be processed to the extent that it is lawful to do so.

4. Storing Pupil Data

We hold pupil data securely for the set amount of time shown in our data retention schedule.

5. Who we share Pupil Information With:

We routinely share pupil information with:

- Parents/carers (as defined in the Education Act 1996).
- schools that pupils attend after leaving us.
- our local authority.
- a pupil's home local authority (if different).
- the Department for Education (DfE).

- local governing board / trustees.
- the central team at the Trust.
- exam boards.

From time to time, we may also share pupil information other third parties including the following:

- the Police and law enforcement agencies.
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers.
- Courts, if ordered to do so.
- the National College for Teaching and Learning.
- the Joint Council for Qualifications.
- Prevent teams in accordance with the Prevent Duty on schools.
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances.
- UCAS

Some of the above organisations may also be Data Controllers in their own right in which case we will be jointly controllers of your personal data and may be jointly liable in the event of any data breaches.

In the event that we share personal data about pupils with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

6. Why we Regularly 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 the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

7. 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.

This enables them to provide services as follows:

- youth support services
- careers advisers

The information shared is limited to the child's name, address and date of birth. However, where a parent or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the child / pupil once they reach 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 our local authority website.

8. Department for Education (DfE)

The Department for Education (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 Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by the Department for Education (DfE) under a combination of software and hardware controls, which meet the current [government security policy framework](#).

9. Requesting Access to your Personal Data

You have a right to make a 'subject access request' to gain access to personal information that we hold about you.

If you make a subject access request, and if we do hold information about you, we will (unless there is a really good reason why we shouldn't):

- Give you a description of it
- Tell you why we are holding it and using it, and how long we will keep it for
- Explain where we got it from, if not from you

- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data (decisions made by a computer or machine, rather than by a person), and any consequences of this
- Give you a copy of the information in an understandable form

You may also have the right for your personal information to be shared with another organisation in certain circumstances.

If you would like to make a request, please contact us (see 'Contact us' below).

Under UK data protection law, you have certain rights regarding how your personal information is used and kept safe. For example, you have the right to:

- Say that you don't want your personal information to be used.
- Stop it being used to send you marketing materials.
- Say that you don't want it to be used for automated decisions (decisions made by a computer or machine, rather than by a person).
- In some cases, have it corrected if it is inaccurate.
- In some cases, have it deleted or destroyed, or restrict its use.
- Withdraw your consent, where you previously provided consent for your personal information to be collected, processed and transferred for a particular reason.
- In some cases, be notified of a data breach.
- Make a complaint to the Information Commissioner's Office.
- Claim compensation if the data protection rules are broken and this harms you in some way.

To exercise any of these rights, please contact us (see 'Contact us' below).

10. 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 concerns about our data processing, please let us know first.

Alternatively, you can make a complaint to the Information:

Commissioner's Office: Report a concern online at

<https://ico.org.uk/make-a-complaint/>

Call 0303 123 1113

Or write to: Information Commissioner's Office, Wycliffe House, Water Lane,
Wilmslow, Cheshire, SK9 5AF

11. Last Updated

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 in March 2023.

12. Contact Us

If you would like to discuss anything in this privacy notice, please contact: Sarah Sproston, Strategic Business Manager and Data Protection Officer