



# Ocker Hill Academy

## PRIVACY POLICY

# Ocker Hill Academy

## Privacy Policy 21/22

Ocker Hill Academy is committed to protecting the privacy and security of your personal information.

We have therefore developed this privacy policy to inform you of the data we collect, what we do with your information, what we do to keep it secure as well as the rights and choices you have over your personal information.

Throughout this document we refer to Data Protection Legislation which means the Data Protection Act 2018 (DPA 2018), the United Kingdom General Data Protection Regulation (UK GDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any legislation implemented in connection with the aforementioned legislation. Where data is processed by a controller or processor established in the European Union or comprises the data of people in the European Union, it also includes the EU General Data Protection Regulation (EU GDPR). This includes any replacement legislation coming into effect from time to time.

GDPR is a piece of EU-wide legislation which determines how people's personal data is processed and kept safe. It also sets out the legal rights individuals have in relation to their own data. The Regulation came into force on 25 May 2018 and it applies to all schools. The Regulations were implemented into UK law via the Data Protection Act 2018 (DPA 2018) and so this law will apply even though the UK has left the EU.

There are six main principles defined by GDPR:

1. Lawfulness, fairness and transparency
2. Purpose limitations
3. Storage limitations
4. Accuracy
5. Data minimisation
6. Integrity and confidentiality

There is also the new requirement that the Controller must be able to demonstrate accountability

Under the principle of 'lawfulness', GDPR/DPA 2018 specifies a number of lawful bases for holding personal data. The primary legal basis for schools will be 'public interest' when the data is necessary to fulfil the school's functions. Other legal bases relevant to schools include: consent, legal obligation and vital interest, although the circumstances where these are used are likely to be very limited.

There are also stronger rights for individuals regarding their own data. These rights are as follows:

- **The right to be informed** – how their data is used
- **The right of access to their data** – Subject Access Requests
- **The right to rectification** – correcting inaccurate data
- **The right to erasure** – deleting personal data
- **The right to restrict processing** – restricting how their data is used
- **The right to data portability** – moving data from one organisation to another
- **The right to object** – objecting to an organisation having their personal data in the first place
- **Rights in relation to automated decision-making and profiling** – where software makes automatic decisions about an individual

## Privacy Notice (How we use pupil information)

### The categories of pupil information that we process include:

- personal identifiers, contacts and characteristics (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 doctor's 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)

This list is not exhaustive, to access the current list of categories of information we process please contact the Academy Office.

## Why we collect and use pupil information

The personal data collected is essential for the school to fulfil their official functions and meet legal requirements.

We collect and use pupil information, for the following purposes:

- a) to support pupil learning
- b) to monitor and report on pupil attainment progress
- c) to provide appropriate pastoral care
- d) to assess the quality of our services
- e) to keep children safe (food allergies, or emergency contact details)
- f) to meet the statutory duties placed upon us

Under the General Data Protection Regulation (GDPR) and Data Protection Act 2018, the lawful bases we rely on for processing pupil information are:

- for the purposes of **(a), (b), (c) & (d)** in accordance with the legal basis of Public task: collecting the data is necessary to perform tasks that schools are required to perform as part of their statutory function
- for the purposes of **(e)** in accordance with the legal basis of Vital interests: to keep children safe (food allergies, or medical conditions)
- for the purposes of **(f)** in accordance with the legal basis of Legal obligation: data collected for DfE census information
  - o [Section 537A of the Education Act 1996](#)
  - o [the Education Act 1996 s29\(3\)](#)
  - o [the Education \(School Performance Information\)\(England\) Regulations 2007](#)
  - o [regulations 5 and 8 School Information \(England\) Regulations 2008](#)
  - o [the Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2013](#)

In addition, concerning any special category data (personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health or data concerning a natural person's sex life or sexual orientation):

- conditions a, b, c and d of [GDPR - Article 9](#)

## Collecting pupil information

We obtain pupil information via data collection sheets at the start of each academic year. In addition, when a child joins us from another school, we are sent a secure file containing relevant information.

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

## Storing pupil data

We hold pupil data securely for the set amount of time shown in our data retention schedule. For more information regarding our data retention schedule and how we keep your data safe, please visit the Ocker Hill Academy website.

## Who we share pupil information with

We routinely share pupil information with:

- the school that the pupil attends after leaving us
  - our local authority Sandwell MBC
  - youth support services (pupils aged 13+)
  - the Department for Education (DfE)
  - 3<sup>rd</sup> Party educational tool providers which include:
    - NHS School Nurse & Medical Teams;
    - Police;
    - Children's Services;
    - Children's Centres;
    - Counselling Services;
    - Speech & Language Support Services;
    - Inclusion Support;
    - My Concern Safeguarding;
    - Dolce Caterers;
    - Sandwell Leisure Trust
- This list is not exhaustive. If you require a full list, please contact the Academy Office.

## Why we routinely 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.

### 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 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

Data is securely transferred to the youth support service via a secure file transferring system and is stored within local authority software.

For more information about services for young people, please visit our local authority website [www.sandwell.gov.uk](http://www.sandwell.gov.uk)

## Department for Education

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 data collections, under:

- [Section 537A of the Education Act 1996](#)
- [the Education Act 1996 s29\(3\)](#)
- [the Education \(School Performance Information\)\(England\) Regulations 2007](#)
- [regulations 5 and 8 School Information \(England\) Regulations 2008](#)
- [the Education \(Pupil Registration\) \(England\) \(Amendment\) 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.

## Requesting access to your personal data

Under GDPR, parents and pupils have the right to request access to information about them that we hold. This is sometimes termed 'Subject Access Request'. If we agree that we are obliged to provide personal information to you (or someone else on your behalf), we will provide it to you or them free of charge and aim to do so within 30 days from when your identity has been confirmed.

We would ask for proof of identity and sufficient information about your interactions with us so that we can locate your personal information.

To make a request for your personal information, or be given access to your child's educational record, contact The Data Protection Officer on 0123 456789 or email [dpo@ockershill.academy](mailto:dpo@ockershill.academy).

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
- a right to seek redress, either through the ICO, or through the courts

If you have a concern about the way we are collecting or using your 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, please contact:

- Stephanie Boughton, Ocker Hill Academy by email [office@ockerhill.academy](mailto:office@ockerhill.academy)
- The Data Protection Officer by email [dpo@ockerhill.academy](mailto:dpo@ockerhill.academy)
- Our local authority [www.sandwell.gov.uk](http://www.sandwell.gov.uk)

## 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 (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 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)

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 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.

To find out more about the NPD, go to

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

## Sharing

### **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.