

# Privacy Notice for Parents and Carers

Under UK data protection law, individuals have a right to be informed about how our 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 at our schools and their parents and carers**.

Mercia Learning Trust are the 'data controller' for the purposes of UK data protection law.

Our Data Protection Officer is **GDPRiS** (see 'contact us' below).

## The personal data we hold

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

- Contact details, contact preferences, date of birth, identification documents
- Parent/carer email addresses, telephone numbers
- Correspondence from parents/carers
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Behaviour information such as exclusions or any relevant alternative provision that we put in place
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs, videos and CCTV images captured in school

We may also collect, use store and share (when appropriate) information about your child that falls into 'special categories' of more sensitive personal data. This includes, but is not restricted to, information about:

- Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs
- Any medical conditions, including physical and mental health, that we need to be aware of

We may also hold data about your child that we have received from other organisations, including other schools and Local Authorities, the Department for Education or Social Services.

## Why we use this data

We use this data to:

- Support pupil learning
- Monitor and report on pupil attainment progress
- Contact you about your child and the running of the school
- Provide appropriate pastoral care
- Protect pupil welfare and keep children safe (for example food allergies or emergency contact details)
- Identify children
- Assess the quality of our services
- Administer admissions waiting lists
- Carry out research
- Comply with the law regarding data sharing
- Meet the statutory duties placed on us by the Department for Education

### **Use of your data for marketing purposes**

Where you have given us permission to do so, we may send you marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to you.

You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by contacting us.

### **Use of your child's personal data in automated decision making and profiling**

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

### **Our legal basis for using this data**

We only collect and process pupils' personal data when the law allows us to. Most commonly, we process it where:

- We need to comply with a legal obligation
- We need it to perform an official task in the public interest

**Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).

We need to process data to meet our responsibilities as a school under UK law as set out at <https://www.gov.uk/government/collections/statutory-guidance-schools>

An example of this is 'safeguarding children and young people'

**Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

Managing a school is considered a 'task in the public interest'. Further details are available at <https://www.gov.uk/government/collections/statutory-guidance-schools>.

Less commonly, we may also process pupils' personal data in situations where:

- We have obtained clear consent to use it in a certain way, for example use of photographs of your child
- We need to protect the individual's vital interests, for example protect your life or someone else's life, in situations where you're physically or legally incapable of giving consent
- We have a legitimate interest

Where we have obtained consent to use your or your child's personal data, you may withdraw this consent at any time. We will make this clear when we ask for consent and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of your data.

### **Our basis for using special category data**

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in data protection law:

- We have obtained your explicit consent to use your child's personal data in a certain way
- We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

### **Collecting this information**

While the majority of information we collect about you and your child is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

Most of the data we hold about you and your child will come directly from you when your child starts the school, but we may also hold data about your child from:

- Sheffield City Council
- Government departments or agencies
- Health authorities
- Police forces, courts, tribunals

## **How we store this data**

We keep personal information about you and your child while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary. This will be done in accordance with our Records Management Policy.

If you wish to see a copy of the schools Records Management Policy, please ask at the main reception/school office.

We have put in place appropriate security measures to prevent you and your child's personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of you and your child's personal data securely when we no longer need it.

## **Data Sharing**

We do not share information about you or your child with any third party without consent unless the law and our policies allow us to do so.

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

- Our Local Authority, Sheffield City Council – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions
- The Department of Education
- Our youth support services provider
- Services to support employment and training
- Your family and representatives
- Our regulator, Ofsted
- Exam boards
- Suppliers and service providers e.g. catering provider – to enable them to provide the service we have contracted them for
- Financial organisations – to meet our legal obligations
- Our auditors
- Survey and research organisations such as universities

- Health authorities and health care professionals such as GPs or Social Services
- Professional advisers and consultants
- Police forces, courts, tribunals
- School trip organisations

## **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.

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 third parties, such as other organisations that promote children's education or wellbeing in England. Third parties 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.

## **Transferring Data Internationally**

The Trust avoids transfers to non-UK/EU recipients, where different data protection legislation applies, as best we can. Only in justified circumstances would we consider such a transfer, and when it happens, apply strict controls to safeguard the processing. These are the international transfers that we currently undertake:

- Microsoft cloud services
- Google cloud services

In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

## **Your Rights**

### **How to access personal information that we hold about you and your child**

You have a right to make a 'subject access request' to gain access to personal information that we hold about you and your child. If you make a subject access request, and if we do hold information about you and your child, we will (subject to any exemptions that apply):

- Give you a description of it
- Tell you why we are holding and processing 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, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your child's personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact your child's school.

### **Access to your child's educational record**

Parents, or those with parental responsibility, can also request access to their child's educational record (which includes most information about a pupil). This right applies as long as the pupil is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

Access to education records is a separate right under the Education (Pupil Information) (England) Regulations 2005 and is not covered by Data Protection legislation. Unlike the right to access under Data Protection legislation, this right does not extend to pupils.

To make a request, please contact the main school office.

### **Your other rights regarding you and your child's data**

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

Your **right to rectification** - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

Your **right to erasure** - You have the right to ask us to erase your personal information in certain circumstances.

Your **right to restriction of processing** - You have the right to ask us to restrict the processing of your personal information in certain circumstances.

Your **right to object to processing** - You have the right to object to the processing of your personal information in certain circumstances.

Your **right to data portability** - You have the right to ask that we transfer the personal

information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights.

If you make a request, we have one month to respond to you.

### **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 your child's school.

### **Changes to this Statement**

We may modify this Privacy Notice from time to time to reflect changes in our information practices or relevant laws. When we make material changes, we will post a notice on our website and send you a text message or email to notify you. Hard copies will also be available in school. Any changes to our Privacy Notice will become effective upon posting.

### **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.

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

In the event that you have any questions or concerns regarding the processing of your data, in the first instance, you can contact:

Emma Staley (Trust Central Team)

Email: [dataprotection@merciatrust.co.uk](mailto:dataprotection@merciatrust.co.uk)

Telephone: 0114 349 4230

Mercia Learning Trust

79 Glen Road

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Our Data Protection Officer is: **GDPRiS** –support@gdpr.school

*This notice is based on the [Department for Education's model privacy notice](#) for pupils, amended for parents and to reflect the way we use data in this school.*

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