

# Privacy Notice – Pupil’s, Parents and Carer’s

**Document Owner:**

**Fairfield School**

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## Introduction

Fairfield School is required to collect the personal data of pupils and their parents / carers to provide an education and fulfil our statutory and operational requirements as a school. Under the UK-General Data Protection Regulation (UK-GDPR), we must clearly inform our pupils and their families what data we collect, how we use it and why; this information is outlined in the following privacy notice.

## Data Controller

Fairfield School is the data controller for the information that we collect about you which means we make decisions on how that data is processed and are responsible for its safety and security.

## Data Protection Officer

The school has appointed a DPO to oversee and monitor data protection procedures and ensure the school is compliant with the UK General Data Protection Regulation and Data Protection Act. Our DPO is Danielle Eadie of RADCaT Ltd who works alongside Steve Walsh, Business Manager at the school. Any queries regarding data protection should be directed to the school office in the first instance using the following details:

**T: 01924 326 103 | E: [office@fairfieldschool.uk](mailto:office@fairfieldschool.uk)**

## The categories of pupil information that we process

- Personal identifiers and contacts such as name, unique pupil number, contact details and address, including emergency contact details.
- Characteristics such as ethnicity, language, religion and gender.

- Free and paid school meal records.
- Funding records (nursery pupils)
- School trips and extra-curricular activities.
- Safeguarding information such as incident logs, court orders and professional involvement.
- Special educational needs and disabilities; requirements and support provisions in place.
- Medical and administration such as doctor information, child health, dental health, allergies, medication, dietary requirements and records of any accidents or injuries.
- Attendance such as sessions attended, number of absences, absence reasons and any previous schools attended.
- Assessment and attainment information such as results, progress and reports
- Behavioural information such as exclusions and any relevant alternative provision put in place.
- Images - CCTV
- images – Identification
- Images – Promotional activities such as displays to celebrate achievements

Please note that this list is not exhaustive, please contact us if you would like to obtain a full list of data processed.

### Why we collect and use pupil information

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

- a) to support pupil learning
- b) to safeguard pupils
- c) to monitor and report on pupil attainment progress
- d) to provide appropriate pastoral care
- e) to assess the quality of our services
- f) to keep children safe (food allergies, or emergency contact details)
- g) to meet the statutory duties placed upon us for DfE data collections
- h) to advise of any curriculum related activities we undertake or encourage you to attend, by newsletter or email
- i) to promote the school and provide an insight into school life

### The lawful basis for processing personal data

Under the UK-GDPR, we must have a lawful basis from Article 6 to process personal data; personal data is any data that can identify a living individual. Fairfield School relies on the following lawful bases when we process personal data relating to pupils:

1. The school must process personal data to meet a **legal obligation** namely;

| Category   | Law                           | Purpose for Processing                  |
|------------|-------------------------------|---|
| Admissions | School Admissions Code (2014) | Administer admissions & appeals process |
| Education  | Childrens Act (1989)          | Submission of data for research         |

|                 |   |   |
|-----------------|---|---|
|                 |   |   |
|                 | Education Act (1996)  | Submission of census data to Local Authority & DfE. |
|                 | Education Act (2005)<br>Education & Inspections Act (2006)<br>Education & Skills Act (2008)<br>Childcare Act (2006) | School improvement & accountability (Ofsted)        |
|                 | Education Regulations (2002)  | Effective management of school                      |
|                 | Education (Information about Individual Pupils, England) Regulations 2013)  | School funding and attainment monitoring            |
| Health & Safety | Health & Safety at Work Act (1974)  | Providing a safe & secure environment               |
| Safeguarding    | Safeguarding Act (2006)   | Safeguarding of Children                            |
|                 | Keeping Children Safe in Education (2022)   |   |
|                 | Working Together to Safeguard Children (2018)   |   |
| SEND            | Children & Families Act (2014) – Special Educational Needs & Disability Code of Practice (2014)                     | Provide support & pastoral care                     |

**\*Please contact the school office if further information is required about our legal obligations.**

2. Personal data is processed in the performance of a **public task** for example:
  - The use of CCTV to create a secure environment and to aid in crime prevention and detection.
  - Data is processed in the act of providing a full-time education to pupils.
  - Retaining an image of pupils for identification purposes.
3. The school has a **contractual obligation** to process personal data for instance when taking payment from parents for school meals and trips and signing up for educational resources.
4. The school has a **legitimate interest** to process personal data when providing educational resources and services to pupils. Such activities are not part of the statutory curriculum but complement the pupil's education, examples include access to classroom resources and learning apps.
5. Parent / carers have provided their **consent** for us to process their own child's personal data; consent will typically be reserved for the use of images.

6. The school must process personal data in the act of protecting or saving someone's life; there is a **vital interest**. This lawful basis will typically apply in situations where we must share details with emergency services and first aiders if an incident or accident has occurred.

### Special category data

Special category data is information that we process that is much more sensitive in nature such as details about health and wellbeing and characteristics including gender, ethnicity and religion. The school must take extra measures to ensure such information is secure and confidential, therefore we must meet an additional lawful basis this time from Article 9.

When processing special categories of personal data in the routine running of the school, we rely upon the following Article 9 conditions:

1. Parent / carer has provided their **explicit consent** (written) to make a referral to an outside agency for support with their child's health and wellbeing; this will typically involve the sharing of pupil records containing special category data.
2. Personal data is processed for reasons of **substantial public interest** including:
  - Sharing special categories of personal data about pupils with the government to meet our legal and statutory obligations.
  - Collecting special categories of personal data for equal opportunities monitoring.
  - Referring serious safeguarding concerns about a pupil's health and wellbeing to the police and social services; situations where parental consent is not appropriate.
3. The school must process special category data in the act of protecting or saving someone's life; there is a **vital interest**. We have a duty to inform emergency services of any known allergies, medical conditions and religious preferences if an accident occurs.

In certain circumstances, the school may be required to process personal data (including special category) for the following reasons:

- If the school is involved in a legal claim; in such instances, we are processing personal data as part of or in defence of **legal claims and other judicial acts**.
- The school may be instructed to partake in public vaccination programs and health monitoring in situations where there is a threat to health such as a pandemic. In such instances, our lawful basis to process pupil health records is for **reasons of public interest in the area of public health**.

### Consent & Pupils

Personal data belongs to the pupil and not their parent or carer, however the school understands that some pupils are not mature enough to understand their rights regarding data protection. In such situations consent will be sought from the parent or carer.

Where consent is the lawful basis relied upon for the processing of personal data, you have the right to withdraw your consent or change your preferences at any time by contacting the school office.

### **Collecting pupil information**

Most of the personal data that we collect about pupils is provided directly by the pupil and / or their families upon admission to the school. Records for each pupil will also be transferred to us from the previous school where applicable.

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.

### **Storing pupil data**

To comply with the UK-GDPR, the school only keep personal data for as long as necessary to meet our legal and operational duties.

Our 'Records Management Policy & Retention Schedule' (available at the school office) outlines how long pupil records are kept and how we determine and manage these periods. As a rule of thumb, pupil educational records are kept until the child's 18<sup>th</sup> birthday, whilst safeguarding and SEN records are kept until the pupil reaches 25.

Personal data about pupils and their families is stored securely on site. Records kept in electronic format are stored securely on carefully selected databases and systems that are fully encrypted with password protection and two factor authentication utilised where available. Physical records are kept in locked cabinets within locked offices and archive rooms; key access is strictly limited depending upon role.

School staff and those third parties accessing key pupil records are subject to DBS checks and strict confidentiality agreements and DBS checks.

### **Who we share pupil information with and why?**

The school do not share information about pupils without consent unless the law and our policies allow us to do so.

The school routinely share pupil information with the following third parties to fulfil our legal duties:

- Schools that the pupil attends once leaving us.
- The Local Authority
- The Department for Education
- NHS (Local)
- Youth Support Services (Pupils age 13+ only)

We share pupils' data with our Local Authority and the Department for Education on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring. For further information go to: <http://www.kirklees.gov.uk/privacy>.

When a pupil leaves us, their records are shared with their next school. This is a statutory obligation to help with pupil transition and ensure continuity in their educational journey.

In terms of the NHS, the school must share information about our pupils for statutory collections and routine health programmes; data will also be shared with the school nurse if a pupil requires medical attention.

The Local Authority has a responsibility to provide youth support services and careers advice to individuals aged between 13-19 year olds. As part of this process the school must share information to support the careers provision.

***Appendix A provides further details on statutory data sharing.***

In addition to statutory data sharing, pupil data is shared with the following third-party providers of services to fulfil our operational duties as a school:

- ICT to give pupils access to the necessary school systems.
- Information Management Software Providers to help us manage pupil information more effectively.
- Classroom Apps & Software to provide pupils with access to learning resources.
- Caterers to manage lunchtime provision more effectively.

In certain circumstances, we also share pupil data with the following organisations:

- Ofsted and other performance-based auditors if we are subject to an inspection.
- Third party support agencies if assistance is required to support a pupil's health and wellbeing or educational development (therapists, psychologists etc)
- Professional advisors if assistance is required to support the school with legal advice.
- Governing bodies if an incident or accident has occurred and we have a duty to report the details to them. Examples include the HSE and ICO.

Checks are performed on third parties with whom we share personal data to ensure they meet the high levels of data protection compliance and security expected by the school. Data sharing agreements are in place where necessary outlining the schools' expectations.

**Transferring data internationally**

We do not routinely transfer the personal data of pupils and their families outside of the United Kingdom (UK). However, some of our software providers will store data remotely on servers outside of the UK, typically within the European Economic Area (EEA) whose member states must also comply to the same high standards set out in the UK-GDPR.

The school will not share any personal data with such providers or any third parties outside of the UK unless we are satisfied that they meet the necessary conditions of the UK-GDPR for international data processing.

**Requesting access to your personal data and your rights**

Under data protection legislations, parents and pupils have the right to request access to the personal data that the school holds about them. You have the right to:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (i.e., permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

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

- object to the use of personal data if it would cause, or is causing, damage or distress
- object to the use of your personal data for 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 make a request, please contact the school office in the first instance using the following details:

**T: 01924 326 103 | E: [office@fairfieldschool.uk](mailto:office@fairfieldschool.uk)**

The school office along with the Data Protection Officer (DPO) will support you with your request; a response will be provided within one calendar month. The school has a legal right to extend this period by a further two months for any requests deemed excessive, we will however inform you of our intentions to extend the response time within one calendar month.

## **Complaints**

If you have any concerns at all about how we process your personal data, please contact us in the first instance so that we can help resolve any issues.

You can also complain to the Information Commissioners Office (ICO) if you are unhappy with how we have used your data:

Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Helpline: 0303 123 1113

Website: <https://www.ico.org.uk>

### **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 June 2023.

## **Appendix 1: Why we must share pupil data?**

### **Data shared between educational settings.**

When a pupil transitions between educational settings such as from primary to secondary school, their pupil record moves with them; this is a legal obligation placed on the school to allow each setting to adequately provide an education and support to pupils. Any transfers completed between educational settings are carried out using secure file transfer systems including the DfE's school to school system (S2S) and the Child Protection Online Monitoring and Safeguarding system (CPOMs). Checks are made to confirm the pupils next destination prior to any transfer taking place.

### **The NHS & School Nurse**

We must submit the personal data of children in reception and year 6 with the school health service as part of the annual National Childhood Measurement Programme. Further details can be found here: <https://www.gov.uk/government/publications/national-child-measurement-programme-operational-guidance/national-child-measurement-programme-2022-information-for-schools>

From time to time, the school is part of immunisation programmes and other statutory and routine medical programmes that require us to share pupil data with the NHS. These are typically delivered by the Child Health, School Nurse and Community Paediatric Teams based in maintained schools within Kirklees Council. Please note that we do not administer any immunisations or healthcare without the explicit consent of parents or carers.

### **Local Authority & Department for Education**

We share pupils' data with our Local Authority and the Department for Education on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring. For further information go to: <http://www.kirklees.gov.uk/privacy>.

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:

- Section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

The National Pupil Database (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.

We are required by law, to provide information about our Students to the DfE as part of statutory data collections; the school census is an example of when we share data. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The DfE may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The DfE has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. 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](#).

Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to Student information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

We may be required to share information about our pupils with the local authority to ensure that they can conduct their statutory duties under

- the [Schools Admission Code](#), including conducting Fair Access Panels.

### **Youth Support Services**

Once pupils reach the age of 13, we also pass pupil information to C&K Careers which acts on behalf of Kirklees Council to provide Local Authority Youth Support Services to young people aged 13 to 19. The Local Authority has responsibilities in relation to the education or training of 13–19-year-olds under section 507B of the Education Act 1996. We must provide the names and addresses of our pupils and their parents and any further information relevant to support the service's role.

This enables them to provide services as follows:

- youth support services
- careers advisers

For pupils aged 16+ who are attending post-16 education and training providers, we will share certain information with our Local Authority and C&K Careers in order to secure appropriate services for them. C&K Careers act on behalf of Kirklees Council to provide Youth Support Services, including careers guidance 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 the provision of the following services:

- post-16 education and training provision
- youth support services
- careers information, advice and guidance, including a service which matches young people to vacancies.

Data is securely transferred to the Youth Support Service via Anycomms+, the Local Authorities secure transfer system, and is stored securely by the Local Authority and held for 7years.

For more information about Kirklees Council's youth support services please go to C&K Careers service page at <http://ckcareersonline.org.uk/>.

For additional information go to the National Careers Service page at: <https://nationalcareersservice.direct.gov.uk/aboutus/Pages/default.aspx>.