



### **Introduction**

Broomfield School is the data controller for the purposes of the General Data Protection Regulation. We collect information from you and may receive information about your children from previous schools and the Local Authority. This notice is to help you understand how and why we collect your children's (our pupils') personal information and what we do with that information. It also explains the decisions that you can make about our pupils' information.

### **What is "personal information"?**

Personal information is information that the school holds about our pupils and which identifies them.

This includes information such as their name, date of birth and address as well as things like medical details. The School may also record their religion or ethnic group. Photos and video recordings of our pupils are also personal information.

### **The categories of student information that we collect, hold and share 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 1/2 and phonics results,)
- behavioural information (such as exclusions and any relevant alternative provision put in place)

(This list is not exhaustive)

### **How and why does the school collect and use pupil personal information?**

We set out below examples of the different ways in which we use personal information and where this personal information comes from. Broomfield School's primary reason for using our pupils' personal information is to provide them with an education. Admissions forms give us lots of personal information. We get information from you as parents, teachers and other members of staff. Our pupils' previous school(s), if any, also give us information about our pupils so that we can teach and care for them. Sometimes we get information from our pupils' doctors and other professionals where we need this to look after them.

We collect this information to help the school run properly, safely and to let others know what we do here. Here are some examples:

- We need to tell the appropriate teachers if our pupils are allergic to something or might need extra help with some tasks.
- We may need to report some of our pupils' information to the government. For example, we may need to tell the local authority that they attend the school or let them know if we have any concerns about their welfare.

*Broomfield School is committed to safeguarding and promoting the welfare of students and expects all staff and volunteers to share this commitment. It is our aim that all students fulfil their potential.*

- We may need information about any court orders or criminal matters which relate to our pupils. This is so that we can safeguard their welfare and wellbeing and the other pupils at the school.
- If our pupils are from another country, then we have to make sure that they have the right to study in the UK. We might have to provide information to UK Visas and Immigration who are part of the government.
- Depending on where our pupils will go when they leave us we may need to provide their information to other schools.
- We may need to share information with the police or our legal advisers if something goes wrong or to help with an inquiry. For example, if one of our pupils is injured at school or if there is a burglary.
- Occasionally we may use consultants, experts and other advisors to assist the school in fulfilling its obligations and to help run the school properly. We might need to share our pupils' information with them if this is relevant to their work.
- If our pupils have misbehaved in a serious way, and the police have become involved, we may need to use information about the action taken by the police.
- We may share some information with the Local Education Authority and with other people and organisations, only when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.
- The Local Education Authority should share with us if a child has a social worker
- We will monitor our pupils' use of email, the internet and mobile electronic devices e.g. mobile phones whilst they are in school. This is to check that they are not misbehaving when using this technology or putting themselves at risk of harm.
- Where we have previously received permission we may use photographs or videos of our pupils for the school's website or on social media to show prospective pupils what we do here and to advertise the school.
- Sometimes we use photographs and videos for teaching purposes, for example, to record a Drama or PE lesson.
- If you have concerns about us using photographs or videos of our pupils, please speak to the Headteacher. Where image consent is withheld it may not be possible to change previously printed publications (in print or online).
- We may keep details of our pupils' address when they leave so we can send you the details of the Broomfield School Alumni.
- We share information to meet the statutory duties placed upon us for DfE data collections, to support pupil learning and to monitor and report on pupil attainment progress

If you have any concerns about any of the above, please speak to the Headteacher.

**The lawful basis on which we use this information:** Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing pupil information are: the Education Act 1996, the Education Act 2002 and The Education (Independent School Standards) Regulations 2014.

This section contains information about the legal basis that we are relying on when handling our pupils' information.

### 1. "Legitimate interests"

This means that the processing is necessary for us to meet its legitimate interests in providing our pupils with an education. The school relies on legitimate interests for most of the ways in which it uses our pupils' information. Specifically, the school has a legitimate interest in:

- Providing our pupils with an education.
- Safeguarding and promoting the welfare of our pupils.
- Promoting the objects and interests of the school. This includes fundraising e.g. if we want to raise money to fund special projects.
- Facilitating the efficient operation of the school.

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- Ensuring that all relevant legal obligations of the school are complied with.

In addition, our pupils' personal information may be processed for the legitimate interests of others. For example, we may use information about our pupils when investigating a complaint made by another of our pupils.

## **2. "Legal obligation"**

Where the School needs to use our pupils' information in order to comply with a legal obligation, for example to report a concern about their wellbeing to Children's Services. We may also have to disclose our pupils' information to third parties such as the courts, the local authority or the police where legally obliged to do so.

## **3. "Vital interests"**

For example, to prevent someone from being seriously harmed or killed or to protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.

## **4. "Public interest"**

Broomfield School considers that it is acting in the public interest when providing education.

Broomfield School must also comply with an additional condition where it processes special categories of personal information. These special categories include: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, health information, and information about sex life or orientation.

## **5. "Substantial public interest"**

The processing is necessary for reasons of substantial public interest.

## **6. "Legal claims"**

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our Local Education Authority, legal advisors and insurers.

## **7. "Medical purposes"**

This includes medical treatment and the management of healthcare services. We may ask for your consent to use our pupils' information in certain ways. If we ask for your consent to use their personal information you can take back this consent at any time. Any use of our pupils' information before you withdraw your consent remains valid. Please speak to our Headteacher if you would like to withdraw any consent given.

## **Sending information to other countries**

We may send our pupils' information to other countries where:

- we store information on computer servers based overseas; or
- we communicate with you when you are overseas (for example, during the summer holidays if you holiday in a different country).

**Collecting pupil information:** We collect pupil information via registration forms and our pupil information form completed by parents before children start at the 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, please ask if you have any concerns about supplying any information to us.

**Storing pupil data:** We hold pupil data for different lengths of time, dependent on the type of data it is. Pupil information will be held for no longer than is necessary, and will be disposed of in the correct manner. This is usually until they are at least 25 years old in order to comply with our legal obligations. For more details, please see our Data Retention Policy and Data Protection Policy.

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### **Who we share pupil information with**

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)
- The school doctor/nurse

**Why we 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. We are required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information About Individual Students) (England) Regulations 2013.

### **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>.

**Requesting access to your/your child's 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 our data protection officer.

You also 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

Please speak to the Headteacher if:

- you object to us using our pupils' information for marketing purposes e.g. to send you information about school events. We will stop using our pupils' information for marketing purposes if you tell us not to; or
- you would like us to update the information we hold about our pupils; or
- you would prefer that certain information is kept confidential.

The School Secretary is the Data Protection Officer and is the person responsible at our school for managing how we look after personal information and deciding how it is shared. If you have any questions you can ask The Data Protection Officer about how it works in our school and she can give you more information about your data protection rights.

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

**Withdrawal of consent and the right to lodge a complaint:** Where we are processing your/your child's personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting the school office.

**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 January 2019.

**Contact:** If you would like to discuss anything in this privacy notice, please contact the school office.

**How Government uses your data:** The pupil data that we lawfully share with the DfE through data collections:

- informs 'short term' education policy monitoring and school accountability and intervention.
- supports 'longer term' research and monitoring of educational policy

**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):** The NPD is owned and managed by the Department for Education and contains information about students 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 such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Students) (England) Regulations 2013. To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-student-database-user-guide-and-supporting-information>.

The department 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 Department 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. 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 pupil 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 student information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-student-database-requests-received>

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

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

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