

# **THE TONBRIDGE FEDERATION**



## **GDPR PRIVACY NOTICE**

**June 2022**

*Note: Throughout this policy, the terms 'Tonbridge Federation' and 'school' refer to both Hugh Christie School and Long Mead Primary School.*

## **Privacy Notice – How we use pupil information**

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

### **Who are we?**

The Tonbridge Federation collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the United Kingdom General Data Protection Regulation (UK GDPR) and we are responsible as 'controller' of that personal information for the purposes of those laws.

### **Why do we collect and use pupil information**

We collect and use pupil information under section 537A of the Education Act 1996, and section 83 of the Children Act 1989. If we need to collect special category (sensitive) personal information, we rely upon reasons of substantial public interest (equality of opportunity or treatment). We also comply with Article 6(1)(e) and Article 9(2)(b) of the General Data Protection Regulation (GDPR). Information is also collected to carry out our tasks in the public's interest.

### **The personal information we collect and use**

#### **Information collected by us**

In the course of providing education and care we collect the following personal information when you provide it to us:

- Personal information (such as name, date of birth, gender, home address and postcode)
- Special category characteristics (such as special educational needs (SEN) information, ethnicity, relevant medical information)
- Parents/Carers Information (such as name, date of birth, National Insurance or National Asylum Support Service Number)
- Financial eligibility information (such as 30 hours codes)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- National curriculum assessment results
- Relevant medical information

We also obtain personal information from other sources as follows:

- Social Services

- Local Authority (KCC)

### **How we use your personal information**

We use your personal information to:

- Check and calculate free entitlement
- Provide appropriate pastoral care and support services to children
- Provide funding
- Provide advice, support and guidance to the setting
- Enable financial and policy compliance checks of the setting
- Assess and improve the quality of our services
- Comply with the law regarding data sharing
- Safeguard children

### **How long your personal data will be kept**

We will hold financial information securely and retain it for 7 years, after which the information is archived or securely destroyed.

We will hold your personal information securely and retain it from the child /young person's date of birth until they reach the age of 25, after which the information is archived or securely destroyed.

### **Who we share your personal information with**

- Department for Education (DfE) (statutory for early years funding and policy monitoring)
- Kent County Council Management Information & Finance (to provide funding)
- Other local authorities, or other early years settings, to resolve duplicate claims and funding queries
- Kent County Council teams working to improve outcomes for children and young people
- Commissioned providers of local authority services (such as education services)
- Local multi-agency forums which provide SEND advice, support and guidance (such as EY Local Inclusion Forum Team (EY LIFT))
- Schools that you attend after leaving us
- Partner organisations signed up to the Kent & Medway Information Sharing Agreement, where necessary, which may include Police, school nurses, doctors and mental health workers and Kent Community Health NHS Foundation Trust
- Contracted providers of services (such as external photographers and catering providers) where consent has been given

Refer to 'The Tonbridge Federation GDPR School Audit – data out' document for full details of who the school shares its data with.

We may also share limited pupil data with local schools to enable the moderation of pupil assessment outcomes and to support collaborative working through joint analysis.

Refer to 'The Tonbridge Federation GDPR School Audit – data transportation' document for full details of how we transport data.

We will share personal information with law enforcement or other authorities if required by applicable law.

### **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.

In order to meet statutory requirements around appropriate education provision, and to fulfil safeguarding requirements, we share information about school history, and the latest known pupil and parent address and contact details in the event of a Child Missing Education, or becoming Electively Home Educated. This information also supports the in-year admissions process.

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.

To find out more about the data collection requirements placed on us by the DfE (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

### **Aged 14+ qualifications**

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupil's learning or qualifications

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

### **Youth support services**

#### **What is different about 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.

*We must provide both your and your parent's/s' name(s) and address, and any further information relevant to the support services' role; this will include telephone contact details.*

This enables the local authority to provide services as follows:

- youth support services
- careers advice and guidance

A parent / guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once he/she reaches the age 16.

### **Our 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.

KCC has a legal responsibility to track all young people up to the age of 19 (and young adults with learning difficulties or disabilities up to the age of 25). The purpose of collecting this information is to assist the planning of education and training for young people and the support services they require. KCC will inform us of your current activity once you have left the school. This is in relation to education, training, employment with training you may be undertaking and whether you are NEET (not in Education, Employment or Training). Some of this information is then shared with the DfE who use the information to plan at a national level.

This enables them to provide services as follows:

- post-16 education and training provision
- youth support services
- careers advice and guidance

For more information about services for young people, please go to: <http://www.kent.gov.uk/education-and-children/young-people> or the KCC website at [www.kent.gov.uk](http://www.kent.gov.uk)

### **The National Pupil Database (NPD)**

We are required by law, to provide information about our pupils 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 Pupils) (England) Regulations 2013.

The 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 DfE. 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.

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. 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.

### **Your Rights**

Under UK GDPR you have rights which you can exercise free of charge which allow you to:

- Know what we are doing with your information and why we are doing it
- Ask to see what information we hold about you (Subject Access Request)
- Ask us to correct any mistakes in the information we hold about you
- Object to direct marketing
- Make a complaint to the Information Commissioners Office
- Withdraw consent (if applicable)

Depending on our reason for using your information you may also be entitled to:

- Ask us to delete information we hold about you
- Have your information transferred electronically to yourself or to another organisation
- Object to decisions being made that significantly affect you
- Object to how we are using your information

- Stop us using your information in certain ways

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note: your request may delay or prevent us delivering a service to you.

For further information about your rights, including the circumstances in which they apply, see the guidance from the UK Information Commissioners Office (ICO) on individuals' rights under UK GDPR.

If you would like to exercise a right, please contact the Federation's Data Protection Officer, Mr Shah.

### **Keeping your personal information secure**

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

### **Who to Contact and Where to go for Further Information**

Please contact the DPO, Mr Shah, to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for.

If you would like to get a copy of the information about you that KCC shares with the DfE or how they use your information, please contact the Information Resilience and Transparency Team at [data.protection@kent.gov.uk](mailto:data.protection@kent.gov.uk).

For more information about services for young children, please go to: <http://www.kent.gov.uk/education-and-children/childcare-and-pre-school> or the KCC website at [www.kent.gov.uk](http://www.kent.gov.uk)

UK GDPR also gives you right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns> or telephone 03031 231113.

For further information visit <https://www.kent.gov.uk/about-the-council/about-the-website/privacy-statement>

For further information about how the Department for Education uses your information:

To find out more about the pupil information we share with the DfE, for the purpose of data collections, go to <https://www.gov.uk/guidance/early-years-census>

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

For more information about the DfE'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>