



The St Marylebone Church of England School

64 Marylebone High Street

London W1U 5BA

The St Marylebone CE School Privacy Notice

How we use pupil and parent information

Author:	Susan Anderson
Linked SLT:	Kat Pugh
Linked Governor:	Emma Rea
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1. Context

Under the General Data Protection Regulation (GDPR) we are obliged to inform you of the information we hold on and your child / children attending the school, what we use it for, who we share it with, and for how long we keep it. This privacy notice (also known as a fair processing notice) aims to provide you with this information. If you have any questions about this, please contact the school office, or the school's Data Protection Officer. Contact details for both are available at the end of this privacy notice.

We, The St Marylebone CE School at 64 Marylebone High Street are the Data Controller for the purposes of data protection law.

As a public body as we have appointed a Data Protection Officer (DPO), provided by the London Diocesan Board for Schools, through Grow Education.

2. The categories of pupil & parent information that we collect, hold and share include (but are not limited to):

- Personal information (such as name, unique pupil number and address, parent's national insurance number).

- Contact details and preference (contact telephone numbers, email addresses, addresses)
- Characteristics (such as ethnicity, religion, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as data scores, tracking, and internal and external testing)
- Relevant medical information (such as NHS information, health checks, physical and mental health care, immunisation program and allergies)
- Special Educational Needs information (such as EHCPs, statements, applications for support, care or support plans)
- Safeguarding information
- Exclusion information
- Behavioural information
- Photographs (for internal safeguarding and security purposes, school newsletters and publications and only with additional permissions for media and promotional purposes).
- CCTV images
- Payment details
- Biometric data
- Parent pay details

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

3. Why we collect and use this information

We use the pupil and parent data:

- to support pupils' learning
- to monitor and report on pupil progress
- to provide appropriate pastoral and medical care
- for safeguarding and pupil welfare purposes
- administer admissions waiting lists
- to inform you about events and other things happening in the school
- to assess the quality of our services
- to comply with the law regarding data sharing

4. The lawful basis on which we use this information

The lawful basis for our collection and processing of pupil information is defined under Article 6 (EU-GDPR). The following sub-paragraphs in the GDPR apply:

- Data subject gives consent for one or more specific purposes.
- Processing is necessary to comply with the legal obligations of the controller.
- Processing is necessary to protect the vital interests of the data subject.
- Processing is necessary for tasks in the public interest or exercise of authority vested in the controller (the provision of education).

Our lawful basis for collecting and processing pupil information is also further defined under Article 9 (UK- GDPR), in that some of the information we process is deemed to be sensitive, or special, information. The following sub-paragraphs in the UK GDPR apply:

- The data subject has given explicit consent.
- It is necessary to fulfill the obligations of controller or of data subject.
- It is necessary to protect the vital interests of the data subject.
- Processing is carried out by a foundation or not-for-profit organisation (includes religious, political or philosophical organisations and trade unions)
- Reasons of public interest in the area of public health.
- It is in the public interest.

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn 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 this data.

An example of how we use the information you provide is:

The submission of the school census returns, including a set of named pupil records, is a statutory requirement on schools under Section 537A of the Education Act 1996.

Since this is a statutory requirement:

- schools do not need to obtain parental or pupil consent for the provision of information
- schools are protected from any legal challenge alleging a breach of confidentiality
- census returns are more reliably completed by schools

5. Collecting pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this. Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

6. Storing pupil data

We hold pupil data while the child remains at The St Marylebone CE School. The child's data will follow the pupil when he / she leaves The St Marylebone CE School and will also be retained for until the cohort year reaches age of 25, usually seven years after leaving the school. However, where there is a legal obligation to retain the information beyond that period, it will be retained in line with our retention policy.

We have data protection policies and procedures in place, including strong organisational and technical measures, which are regularly reviewed.

7. Those with whom we share pupil information

We share pupil information with appropriate third parties, including:

- Our local authority: to meet our legal obligations to share certain information such as safeguarding, child protection concerns, exclusions
- Professionals commissioned to do specific educational or social work with pupils, such as educational psychologists, speech and language therapists, occupational health professionals, social workers
- The Department for Education
- Pupils' family and representatives
- Examining bodies
- Ofsted
- Suppliers and service providers: to enable them to provide the service for which they are contracted (including IT services such as Google App for Education)
- Our financial auditors
- Health and social welfare organisations (including NHA)
- Police forces, courts, tribunals
- Schools and universities that the pupils attend after leaving us

Where we transfer personal data to a country or territory outside UK, we will do so in accordance with data protection law.

8. 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. This data sharing underpins school funding and educational attainment policy and monitoring.

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.

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

9. Data collection requirements:

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

10. Youth support services Pupils aged 13+

Once our pupils reach the age of 13, we are required to 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

A parent or 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.

11. Pupils aged 16+

We are required to 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

For more information about services for young people, please visit our local authority website.

12. The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education (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.

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.

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. 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 DfE's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about the organisations to which the DfE 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>

13. Requesting access to your personal data and your Data Protection Rights

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold, through a Subject Access Request.

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12 or at the discretion of SEN professionals), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and if we do hold information about you or your child, we will:

- give you a description of it.
- tell you why we are holding and processing it, and for how long we will keep it.
- explain where we got it from, if not from you or your child.
- 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.

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request please contact our data team in school:

dataprotection@stmaryleboneschool.com

Parents/carers also have a legal right to access to their child's educational record. To request access, please contact: dataprotection@stmaryleboneschool.com

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;

14. 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.

To make a complaint, please contact our data protection officer.

john.pearson-hicks@london.anglican.org

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
- Write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

15. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact dataprotection@stmaryleboneschool.com

16. Other relating documents

This policy relates to

- Data Protection Policy
- Data Retention Policy
- Privacy Notice Contractors and Suppliers
- Privacy Notice Staff
- Privacy Notice Governors
- Data protection code of practice including email security
- Guidance for Governors on Handling Personal Data