

Privacy Notice (How we use applicants information)

Applicants: young people aged up to 19 who are applying to study for qualifications at an academy of The Pinnacle Learning Trust.

On the 25th May 2018 the General Data Protection Regulation (GDPR) will be applicable and the current Data Protection Act (DPA) will be updated by a new Act giving effect to its provisions. Before that time the DPA will continue to apply.

The Pinnacle Learning Trust complies with the GDPR and is registered as a “Data Controller” with the Information Commissioner’s Office (Reg. No. **ZA341736**).

The Data Protection Officer (DPO) for the Trust is **CORINNE WALKER**. Contact details are at the end of this document.

We ensure that your personal data is processed fairly and lawfully, is accurate, is kept secure, is retained for no longer than is necessary, and disposed of securely, in line with The Academy’s Retention Policy.

The categories of applicant information that we collect and hold include:

- Personal information (such as name, unique pupil number and address, parent/guardian)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information
- Medical conditions
- Special Educational Needs and Disability
- Behaviour and exclusions
- Education/school history

Why we collect and use this information

We use the applicant data:

- to provide progress on the application
- to plan support for applicant learning
- to plan support for applicant welfare
- to plan to provide appropriate pastoral care
- to plan to safeguard applicants

The lawful basis on which we use this information

On the 25th May 2018 the Data Protection Act 1998 will be replaced by the General Data Protection Regulation (GDPR). The condition for processing under the GDPR will be:

Article 6

1. Processing shall be lawful only if and to the extent that at least one of the following applies:

(c) Processing is necessary for compliance with a legal obligation to which the controller is subject;

Article 9

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation shall be prohibited.
2. Paragraph 1 shall not apply if one of the following applies:

- (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The Education (Information about Individual Pupils) (England) Regulations 2013 - Regulation 5 'Provision of information by non-maintained special schools and Academies to the Secretary of State' states 'Within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special school or an Academy (shall provide to the Secretary of State such of the information referred to in Schedule 1 and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.'

The Education Act 1996 - Section 537A – states that we provide individual pupil information as the relevant body such as the Department for Education.

Children's Act 1989 – Section 83 – places a duty on the Secretary of State or others to conduct research.

Collecting applicant information

Whilst the majority of 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 information to us or if you have a choice in this.

Who we share applicant information with

We routinely share applicant information with:

- Internally to keep applicants updated as to progress of their application
- The applicants current educational establishment
- Parents of applicants

Why we share applicant information

We do not share information about our applicants with anyone without consent unless the law and our policies allow us to do so.

Requesting access to your personal data

Under data protection legislation, parents and applicants 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 the Data Protection Officer (details are below)

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; and
- claim compensation for damages caused by a breach of the Data Protection regulations

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

The lawful basis upon which the Trust processes personal data is that it is necessary in order to comply with the Trusts legal obligations and to enable it to perform tasks carried out in the public interest.

Where the Trust processes personal data **solely** on the basis that you have consented to the processing, you will have the right to withdraw that consent.

Further Information

If you would like to discuss anything in this privacy notice, please contact:

Corinne Walker, Data Protection Officer
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