

Privacy Notice (How we use student information)

Students: young people aged up to 19 who are studying 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 **CORRINE 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 student information that we collect, hold and share 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
- Siblings information

Why we collect and use this information

We use the student data:

- to support student learning
- to support student welfare
- to monitor and report on student progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to safeguard students
- the prevention and detection of crime

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 student information

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

Who we share student information with

We routinely share student information with:

- Educational establishments that the student attends after leaving us
- our local authority
- the Department for Education (DfE) / Education and Skills Funding Agency (ESFA)
- NHS/school nurse
- Third party professional services i.e. Social Services, Social Care Teams
- Agencies that provide services on our behalf
- Third-party organisations, as allowed by law
- Employers (references, work experience)
- Parents of students

Why we share student information

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

We share students' data with the Department for Education (DfE) / Education and Skills Funding Agency (ESFA) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

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

CCTV

All Trust academies use CCTV systems to ensure the safety and security of all students, staff and visitors. No audio is recorded and all footage is stored for up to eight weeks until it is automatically over-written or deleted.

CCTV cameras are sited to ensure that only public or common areas within the Trust sites are recorded. The cameras are positioned so that no members of the public are inadvertently recorded.

Camera footage is only available to selected personal at each Trust site. Occasionally, camera footage may be shared with the Police to assist where a criminal activity has taken place.

Photographs

The Academies within the Trust may take photographs, videos or webcam recordings of students for official use, monitoring and for educational purposes. You will be made aware that this is happening and the context in which the photograph will be used.

Photographs may also be taken of those attending events which may appear in the newspaper or marketing materials. You will be made aware that this is happening and the context in which the photograph will be used.

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>, or for students over 16, the Education and Skills Funding Agency privacy statement <https://www.gov.uk/government/organisations/education-and-skills-funding-agency>

Youth support services

Students aged 13+

Once our students reach the age of 13, we also pass student 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 / student once he/she reaches the age 16.

Students aged 16+

We will also share certain information about students 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.

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education 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 school 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 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 department may share information about our school students 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 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 student 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>

Learning Records Service (LRS)

The Learning Records Service is operated by the Skills Funding Agency. The Learning Records Service collects data relating to learners registering for relevant post-14 qualifications, for example GCSEs and A-Levels.

The Learning Records Service stores learner participation and achievement data collected directly from awarding organisations. This information is known as the 'Personal Learning Record' (PLR). Permitted organisations will have access to a student's PLR in order to access their achievements, awards and to enable advice and guidance to be provided. Students, as the learner, will be able to get a copy of their PLR. In addition to the Personal Learning Record, the Learning Records Service provides a Unique Learner Number (ULN) to individual learners.

For more information about how your information is processed and shared refer to the Extended Privacy Notice available on Gov.UK.

Requesting access to your personal data

Under data protection legislation, parents and students 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:

Data Protection Officer
C/O Oldham Sixth Form College
Pinnacle Learning Trust
Union Street West
Oldham
OL8 1XU

Tel: 0161 287 8000

Email: dataprotection@pinnaclelearningtrust.org.uk