

DUDLEY ACADEMIESTRUST

Privacy Notice – Parents and Learners

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DRAFT



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Our mission: Working together we will develop inspirational schools which instil ambition and desire in young learners, open their minds, widen their horizons and equip them to succeed in a challenging world.

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Introduction

Under data protection law, individuals have a right to be informed about how schools use any personal data that they hold. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about Learners.

We, Dudley Academies Trust, along with each individual Academy, are the 'data controllers' for the purposes of data protection law.

Our Data Protection Officer (DPO) is Rebecca Meacham (see '[Contact us](#)' below).

This information is provided in accordance with the rights of individuals under the General Data Protection Regulation; it allows individuals to understand how their data is used. Academy Trust staff, volunteers, parents and students are all encouraged to read this document, to understand both the school's obligation to its community and their individual rights in terms of their data.

The personal data we hold

The following information is relevant to all Learners who attend schools that are part of Dudley Academies Trust. All Learners have a legal right to be informed about how the Trust uses any personal information held.

The Categories of Learner Information held

The Categories of Learner information that we collect, hold and share include:

- Personal information (such as name, date of birth, unique Learner number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility, INA status – Asylum Seeker, Refugee, Economic Migrant, Looked After Child, Adopted and SGO children)
- Safeguarding concerns
- Medical information
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information relating to academic progress, Learner attainment and educational performance in general
- Special Educational Needs or Disabilities information
- Behavioural information including exclusions
- Information from Early Years providers or Post 16 providers
- Parent/Carer information (such as name, address, contact details)
- CCTV images (including headcam footage) captured in school
- Photographs and Videos taken while on school based activities

Why we Collect and use this Information

We use the Learner data:

- To support Learner learning
- To monitor and report on Learner progress
- To provide appropriate pastoral care
- To work with agencies supporting Learner safeguarding
- To assess the quality of our services
- To comply with the law regarding data sharing
- To provide support for Learners with special learning needs or disabilities
- To comply with all statutory data returns to the DfE and their partner organisations
- To qualify if a child is eligible for funding and to calculate the funding available
- To provide data to the local authority as required statute or by current contracts, service level agreements or data sharing agreements with the local authority to inform next educational providers and/or employers of relevant Learner performance and contextual information

The Lawful Basis on which we use this Information

We use information about children and young people to enable us to carry out specific functions for which we are responsible. We also use this personal data to derive statistics which inform decisions we make regarding the running of the school, the curriculum, safeguarding and to assess Learner outcomes. The lawful basis for processing is covered under [Article 6 and Article 9 of the GDPR](#).

We only collect and use Learners' personal data when the law allows us to. Most commonly, we process it where:

- We need it to perform an official task in the public interest
- We need to comply with a legal obligation

Less commonly, we may also process Learners' personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use Learners' 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 lawful bases for collecting and using Learners' personal data overlap, and there may be several grounds which justify our use of this data.

Collecting this information

While the majority of information we collect about Learners is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

For a full list of our legal responsibilities to collect data see [Appendix A](#).

How we store this data

We keep personal information about Learners while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. Our records retention schedule sets out how long we keep information about Learners and can be found attached to our Data Protection Policy.

Sharing Learner Information

Why we share Learner Information

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

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about Learners with:

- Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions in line with sections [436A and 437 of the Education Act 1996](#)
- The Department for Education – on a statutory basis under regulation 5 of The Education (Information about Individual Learners) (England) Regulations 2013. This data sharing underpins school funding and educational attainment policy and monitoring.
- The Learner’s family and representatives
- Educators and examining bodies
- Our regulator [Ofsted]
- Suppliers and service providers – to enable them to provide the service we have contracted them for (these include Capita SIMS, Century Learning,)
- Financial organisations
- Our auditors
- Health authorities
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Professional bodies

When sharing data with the above, appropriate data sharing agreements or contracts will be in place to ensure the data is used only for the purposes required to deliver the service.

National Learner Database

We are required to provide information about Learners to the Department for Education as part of statutory data collections such as the school census and early year’s census.

Some of this information is then stored in the National Learner Database (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with other organisations which promote children's education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use the data.

For more information, see the Department's webpage on how it collects and shares research data.

You can also contact the Department for Education with any further questions about the NPD.

Learners aged 13+

Once our Learners reach the age of 13, we also pass Learner 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 the [Education and Skills Act 2008 Section 14](#).

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 / Learner once he/she reaches the age 16.

Learners aged 16+

We will also share certain information about Learners 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 the [Education and Skills Act 2008 Section 14](#).

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 your local authority website.

Transferring data internationally

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

Photographs and Videos

From time to time we may publish / share photographs and / or videos of students for various reasons including to promote student/Learner work, to enhance the image of the Academy externally, for formal examination requirements and to improve the learning

environment. Where the use of photographs/videos is not covered under legitimate interests or public task we will seek permission for their use. This will mainly be for use:

- On the Academy / Trust website.
- On the following Social Media platforms (Facebook, Twitter, LinkedIn) for the promotion of
- Academy activities and student work.
- In our prospectus/ year book and promotional media (local/national newspapers).

Where a photograph is displayed, the identity of the within the photo will not be revealed unless it is necessary (for example in reward photos published in local newspapers). Where the latter applies further specific consent will be obtained.

Requesting Access to your Personal Data

How to Access the Data we hold About You

Individuals have a right to make a 'subject access request' to gain access to personal information that the Trust holds about them.

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

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- 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

You may also have a right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact our data protection officer.

Your Other Rights Regarding Your Data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if it would cause, or is causing, damage or distress
- Prevent your data being used to send direct marketing
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our data protection officer.

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.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Contact Us

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

Dudley Academies Trust – Data Protection Representative (DPR)

Mrs Rebecca Meacham
Dudley Academies Trust
Priory Villa
3a Ednam Road
Dudley
West Midlands
DY1 1HL

St James Academy – Data Protection Representative (DPR)

Ms Paula Higgs
St James's Road
Dudley
West Midlands
DY1 3JE

Beacon Hill Academy – Data Protection Representative (DPR)

Ms Amy Majhu
High Arcal Drive
Sedgley
West Midlands
DY3 1BP

The Link Academy – Data Protection Representative (DPR)

Simms Lane
Netherton
Dudley
West Midlands
DY2 0PB

Pegasus Academy – Data Protection Representative (DPR)

Ms Maxine Young
Scotts Green Close
Dudley
DY1 2DU

Appendix A

We collect and use Learner Information under Responsibilities set out within:

- [Education Act 2002 Section 33](#)
- [Education Act 1996](#)
- [Children and Families Act 2014 \(SEND Reforms\)](#)
- [Childcare Act 2006](#)
- [The Early Years and Foundation Stage Order 2007](#)
- [The Education and Skills Act 2008](#)
- [The Apprenticeship, Skills, Children and Learning Act 2009](#)
- [Equality Act 2010](#)
- [Children Act 1989](#)
- [Adoption and Children Act 2002](#)
- [Children and Young Persons Acts 1963 \(Regs 1968\)](#)
- [Education \(Governors Annual Reports – England\) \(Amendment\) Regulations 2002 SI 2002 No 1171](#)
- [School Standards and Framework Act 1998 and Academies Act 2010](#)
- [Schools Admissions Code Statutory Guidance for admission authorities, governing bodies, local authorities, school adjudicators and admission appeals panels December 2014](#)
- [Schools Admission Appeals Code February 2012 Statutory guidance for school leaders, governing bodies and local authorities.](#)
- [School attendance: Department advice for maintained schools, academies, independent schools and local authorities November 2016](#)
- [DBS Update Service Guide June 2014](#)
- [Keeping Children Safe In Education – Statutory Guidance Sept 2018](#)
- [‘Working Together to Safeguard Children’ - A guide to interagency working to safeguard children – 2018](#)
- [An employer’s right to work checks \(Home Office May 2015\)](#)
- [Limitation Act 1980 \(section 2\)](#)
- [Social Security \(Claims and Payments\) Regulations 1979 Regulation 25. Social security administration Act 1992 Section 8. Limitation Act 1980](#)
- [COSHH Regulations 2002. SI 2002 No 2677 Regulation 11; Records kept under the 1999 Regulations to be kept as if the 2002 Regulations had not been made Regulation 18](#)
- [Control of asbestos at work regulations 2012 SI 1012 No632 Regulation 19](#)
- [The Education \(Learner Information\) \(England\) Regulations 2005 SI 2005 No 1437](#)
- [Education Act 1996. Special Educational Needs and Disability Act 2001 Section 1.](#)

- [Outdoor Education Advisers Panel National Guidance Section 3 – Legal Framework and Employer Systems and Section 4 – Good Practice](#)

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