

BURY CHURCH OF ENGLAND HIGH SCHOOL



PRIVACY NOTICE FOR PUPILS (FULL VERSION)

(How we use information about pupils)

Introduction

BCEHS exists for the purpose of educating young people, in a Christian setting, between the ages of 11 and 16. To do this effectively it has to **collect, create, store, use** and **share** data which is personal to individual students. The activities of collecting, creating, storing, using and sharing data are, together, what we call '**data processing**'. The word '**process**' is often used in this document to describe one, some or all of these actions.

The **General Data Protection Regulation** (GDPR) of 2018 gives the school the legal right to process most of your personal data without having to ask for your permission. Other data which the school needs to do its job effectively requires you, or your parents to give their permission for the school to process it.

After students have left school it is also required by law to keep these personal data until each student's 25th birthday, before being securely destroyed.

The purpose of this document is to provide you with detailed information about the school's rights and responsibilities when processing your personal data. It also explains which data the school can process by legal right, and which it requires your permission to process. In addition, it describes your legal rights to alter how the school processes your personal data.

Information which the school processes about you may include (with examples):

- **PERSONAL INFORMATION** (your names, home address, gender and unique pupil number)
- **PERSONAL CHARACTERISTICS INFORMATION** (your ethnicity, language(s), nationality, country of birth, free school meal eligibility, eligibility for special funding and your photo)
- **ATTENDANCE INFORMATION** (the number of times you have attended school, how many of your absences still require a note from a parent and your absence reasons)
- **EDUCATION HISTORY** (the primary school(s) you attended and which school you transfer to if you leave before your are 16, your primary school KS2 (SAT) results and other assessment data from your past)
- **MEDICAL INFORMATION** (details you have provided us with about allergies, dietary needs, physical issues or other health related needs)
- **SPECIAL EDUCATIONAL NEEDS INFORMATION** (details about assessments of any special educational needs you may have and how the school provides help for these needs so that you are not disadvantaged)

- **BEHAVIOUR INFORMATION** (details about when you may have been reprimanded for misbehaviour and what sanctions were applied, including any time when you may have been placed in the 'reflection area' or excluded from school for a period of time)
- **ACHIEVEMENT INFORMATION** (details of any awards, rewards or commendations you may have received or competitions you have won)
- **ATTAINMENT INFORMATION** (grades which your subject teachers have given you, grades we expect you to get in your final GCSE examinations and details of your attitude towards learning)
- **PUBLIC EXAMINATION (GCSE) ENTRIES & RESULTS INFORMATION** (the examinations you are entered for and the results you receive)
- **PHOTOGRAPHS & VIDEO RECORDINGS** (photos of you playing a sport to improve your performance and CCTV recordings of you in the reflection room)

NOTE: Not all of the above information will apply to all students. For example, not all students have a special educational need or have behaviour comments made about them.

Why we collect and use this information (with examples):

We use some or all of the pupil data described above:

- **TO SUPPORT PUPIL LEARNING** (to help with planning your lessons and assessing your work)
- **TO MONITOR AND REPORT** (on your attendance or your progress in lessons, to provide your parent or carer with reports and feedback)
- **TO PROVIDE PASTORAL CARE** (to contact your parent or carer when you have been taken ill at a school, to liaise with your local social services, to make sure you are safe)
- **TO ASSESS THE QUALITY OF OUR SERVICES** (when the school analyses its GCSE results, or assesses how good we are at improving poor behaviour)
- **TO COMPLY WITH THE LAW REGARDING COMPULSORY DATA SHARING** (when providing the careers service, public health service or the police with information that the law requires us to provide these agencies with under certain circumstances)
- **TO PROVIDE THE GOVERNMENT WITH CERTAIN DATA** (as legally required)
- **TO PROVIDE DATA FOR RESEARCH PURPOSES** (by organisations whose data management policies satisfy the GDPR requirements)
- **TO ENSURE YOUR SAFETY, SECURITY AND WELL-BEING** when you take part in school trips and to identify school members around the school site.

The school's legal rights to process your information

We collect and use most of the information we hold about you under one of two legal rights which Article 6 of the GDPR gives us. (See notes 1,2 & 3 in the **NOTES** section at the end of this document for the full legal wording)

Legal right 1. *Processing is necessary for compliance with a legal obligation* ¹

The school claims this right as it is legally obliged to provide an effective educational service and needs to be able to process your personal data to do this.

Legal right 2. Processing is necessary to carry out tasks in the public interest ²

The school claims this right as it is in the public interest that our students are educated effectively and develop appropriately as young adults who are soon to enter further study or employment. The school needs to be able to process your personal data to achieve this.

GDPR also identifies some ‘**special categories**’ of data which are seen to be especially sensitive. The school has the right to process these data provided one of the two rights above can be claimed in addition to one of the rights from Article 9 of the GDPR. For ‘special categories’ data the school claims the following legal right from Article 9.

Legal right 3. Necessary for reasons of substantial public interest 3

The school claims this right as it is in the public interest that our students are educated effectively and behave appropriately as young adults who are soon to enter further study or employment. The school needs to be able to process your personal data to achieve this.

In addition to rights given to school directly by the GDPR, the legal right for the school to process personal data can also be obtained by asking you to give your permission for certain personal data to be processed. The following section explains your right to give your permission and your right to take it away if you change your mind.

Consent

When the school needs consent to process personal student data

Some pieces of information about you which the school may wish to process will mean it needs to ask your permission first. This is known as getting your agreement or ‘**consent**’. The school needs your consent for very few types of personal data but the school will always ask for your consent to collect and use your photograph except where it has a legal right to do so for purposes which don’t require your consent. Some other pieces of your data may also require the school to ask for your consent and you will be asked for this if it is necessary. As an example of how the consent system works, details of the different ways in which the school uses student photographs are given in the **NOTES** section under item 4.

Who the school asks for consent

The GDPR gives students a new and very important responsibility. Before you come to school, and until your 13th birthday, we will ask your parents for consent to process certain data because they are legally responsible for providing it. However, when you reach 13 years of age (usually during Year 8) you, the student, have the right to give your own consent and to withdraw (cancel) any consent given earlier if you want to.

How the school asks for consent

When it is necessary for your (or your parent’s/carer’s) consent to be requested, the school will always make it easy for you to give it. This may require a tick in a box and/or a dated signature as proof that the consent has been given.

How consent can be withdrawn?

If your parents or carers (or you when you are 13 years old) decide that consent should be withdrawn then this will also be quick and easy to do by contacting the school's ICT Manager. However, there is always a good reason why the school asks for consent to process certain data so it's probably a good idea to make sure you know what that reason is and whether it's actually to your advantage to withdraw your consent.

Storing your data

We store your data on secure computers and in paper records which are secured physically. The school is legally required to store personal data about you after you have left school. To meet these obligations we hold pupil data until the pupil is 25 years of age. So, for most pupils leaving this school when they are 16 years of age, we will hold data about them for a further 9 years before securely destroying it.

Sharing your data

The school is legally required to share information about you with some organisations. It also voluntarily shares your information with other organisations when it has a good reason.

The school does not share information about you with anyone without your consent unless the law and/or its policies allow it to do so. Sometimes when we share your information it is 'redacted' or 'anonymised'. This means that the schools hide any information which may allow someone else to connect the information with you.

Who we share your information with (with examples):

We may share information about you with,

- **YOUR PARENTS or CARERS** to inform them of your progress or achievements. (Target grades and attainment grades in different subjects, success in a music examination)
- **A SCHOOL or COLLEGE** that you may join if you leave BCEHS before you are 16 or a college you may attend after you are 16. (The subjects you have been studying here for GCSE and your expected GCSE grades)
- **BURY LOCAL AUTHORITY & OTHER LA's** (BCEHS is required by law to pass some information about you to our Local Authority (Bury LA) or to other LA's if relevant.)
- **BCEHS SCHOOL GOVERNORS** (details about your exceptional achievement or poor behaviour)
- **THE DEPARTMENT FOR EDUCATION** The school is required by law to pass some information about you to the Department for Education (DfE). Some of this information is then stored in the National Pupil Database (NPD). It is then used by the DfE and shared with others for research purposes - the school has no control over this process. To find out more information about how the DfE processes your data see note 5 in the **NOTES** section.

The department 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 Department has robust processes in place to ensure the confidentiality of your data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether the 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, the use of the data and how long it will be kept for.

- **PUBLIC HEALTH SERVICES** (only the data required so that it can organise immunisation programs for you. Data shared for this purpose are your name and address and those of your parent(s), your date of birth and the school you attend)
- **YOUTH SUPPORT SERVICES** The school is required by law to pass certain data to the local authority's youth support services once you have reached your 13th birthday. We must provide the your name and address, and that of your parents, in addition to any other information which is relevant to the support service's role. However, your parents can request that we don't send any of this additional data and you also have the right to refuse for this to happen once the school feels you are able to make this decision for yourself. Once pupils reach the age of 13, the school also passes pupil information to Bury LA and / or the 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 & further education advice

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 the school. Currently, under the Education Act, this right is transferred to the pupil once she/he reaches the age of 16. For more information about services for young people, please visit Bury LA's website.

- **POSITIVE STEPS** careers service to help *Positive Steps* plan the ways in which they will help you think about your future study and working life
- **SHOW MY HOMEWORK** online service which enables school staff to provide you and your parents with homework and other information online
- **TOUR AND COACH COMPANIES** which organise and deliver activities away from the school site.

- **EXAMINATION ORGANISATIONS** (so that you can be entered for public examinations (GCSEs) and so that your results can be received from them)

The school will not give information about you to anyone without your permission unless the law and our policies allow us to.

NOTE: For a full details of the data shared with each of our data sharers listed above, please see the NOTES - item 6

Requesting access to your personal data

Under the rules of the GDPR you have the right to request access to the information we hold about you. This is called a *Subject Access Request (SAR)*. To make a subject access request you should contact the school's ICT Manager.

Your right to affect the school's data processing

GDPR gives you the right to:

- be INFORMED about how your data is used, for example, via a *Pupil Privacy Notice*,
- ACCESS the information the school processes about you, for example, via a *Subject Access Request* so that you can verify the lawfulness of its processing,
- RECTIFICATION which means you can get inaccurate or incomplete data corrected
- ERASURE of your data, for example, if you want to withdraw your consent for your photo to be used on the school website you can make sure it is removed from the website.
- RESTRICT the processing of your data if you challenge the way the school is doing it and this restriction may be temporary while a decision about your challenge is made or it may be permanent if the school agrees with your challenge.
- data PORTABILITY which means you can ask for a copy of your data in a commonly used format so that it could be used by a school you move to or other organisation of your choice.
- OBJECT to the processing of your data on "grounds relating to your particular situation" which makes your needs different to other similar data subjects.
- not to be subject to a automated decision making, for example, if you think you have been put in a teaching group by an automated process you can ask for a human to examine the facts so that the decision may be altered if appropriate.

If you have a concern about the way the school is processing your personal data, you are requested to raise your concern with the school as soon as possible after you become aware of an issue. If you prefer, you can contact the *Information Commissioner's Office* directly at <https://ico.org.uk/concerns/>

Destroying the information we hold about you

The school is required to keep your personal data described in the first section of this privacy notice until you are 25 years of age. Under certain circumstances it may be required to keep some personal data for longer although, this is very rare. For further information about how long we may keep personal

information for you should visit *The Information & Records Management Society's* website at <http://irms.org.uk/>

Further information

If anything in this privacy notice is unclear or if you require further information about how we use information about you, please contact the school's ICT Manager.

NOTES

1. GDPR – Article 6 1(c) *'processing is necessary for compliance with a legal obligation to which the controller is subject'*;
2. GDPR – Article 6 1(e) *'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller'*;
3. GDPR – Article 9 1(g) *'processing is necessary for reasons of substantial public interest, on the basis of 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'*;
4. The school always asks for consent to take photographs of students and explains what they are being taken for. The following table explains the details.

CONSENT: The collection and use of student photographs			
SCHOOL NEED	CONSENT REQUIRED?	OTHERS INVOLVED	WHERE STORED/RETENTION
Individual photo for ID badges and cashless catering	No. The school needs the photograph to maintain security and assist with ensuring that meals are purchased by the correct card holders	Taking of photographs by a professional photographer or a member of staff	Photos are taken on a professional's camera and then transferred to school on a CD. Photos are held by the photographer ??? When students join school during the year a photo is taken by a member of school staff. Photos are kept in a secure folder with limited access on the school's server
Photos of students are used to make the website more interesting for users	Yes. The school can still provide an education without parents/students agreeing to this	A member of staff takes photos of school life so that website pages can be updated with current pupils	On the school's secure server and on its website host's secure server(s)
Photos of students are used to make the school corridors more attractive for those in school	Yes. The school can still provide an education without parents/students agreeing to this.	A member of staff or a professional photographer takes photos of school life so that posters on corridors show school life	On the school's secure server and by the manufacturer of the posters
Photos of students are included in the annual year book created as a souvenir for leavers	Yes. The school can still provide an education without students agreeing to this.	The company which makes the year books	By the company which makes the year books and on the school's secure server(s)
School trip	Yes. The school can still provide an education without students agreeing to this.	A member of staff, usually a teacher, 3 rd party provider	Potentially the data could be stored by a transport, accommodation or activity provider

Photo of an act of misbehaviour	No. School may need this information to ensure your safety and the safety of others.	Member of staff / other pupils	Usually a pupil's or teacher's phone. To be deleted after use has been made of any appropriate evidence.
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5. To find out more about the data collection and data sharing requirements placed on the school by the Department for Education (for example; via the school census or the collection of sensitive data) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools> or <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>

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

For information about which organisations the department has provided pupil information, (and for which project), you should visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

6. Further details of who we share your data with will soon be available on the following page.