



Privacy Notice How we use pupil information

This notice is to help you understand how and why we collect your personal information and what we do with that information. It also explains the decisions that you can make about your own information. The Loyne Specialist School is the data controller and data processor of pupil's personal information which we hold. This means that the school determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed.

The School Business Manager is the Data Protection Officer (DPO). The DPO role is to oversee and monitor the school's data protection procedures, and to ensure they are compliant with the General Data Protection Regulations (GDPR). The DPO can be contacted on 01524 64543 or email a.lazenbury@loyne.lancs.sch.uk

The categories of pupil information that we collect, hold and share include (list not exhaustive):

- **Personal information** - such as name, date of birth, parental/legal guardianship information, unique pupil number and address, emergency contact information (list not exhaustive)
- **Characteristics** - such as ethnicity, language, nationality, country of birth and free school meal eligibility (list not exhaustive)
- **Attendance information** - such as sessions attended, number of absences and absence reasons
- Assessment information
- Educational Health Care Plans
- Behaviour Management Plans
- Personalised Learning Plans (PEPS)
- Details of medical conditions and associated plans. This also includes medical information given to us by parents/carers and third parties such as the NHS, GP's and medical professionals which includes our physiotherapists and school nurse
- Therapy Plans and Speech and Language Programmes where applicable
- Special Educational Needs and Disability information
- Behaviour and exclusions

Why we collect and use this information

We use pupil data to ensure we provide the right educational provision within school and the wider curriculum:

- To support teaching and learning
- To meet legal requirement and legitimate interests
- To monitor and report on pupil progress, attainment and accreditation
- To provide appropriate pastoral care

- To provide an adequate level of support to access the holistic curriculum
- To provide medical support
- To share with authorised personnel such as social workers
- To assess the quality of our services
- To comply with the law regarding data sharing
- To safeguarding and identification purposes
- To provide pupils with a voice
- To tailor individual needs of pupils such as medical, behaviour and care plans

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 Regulations (GDPR). The condition for processing under the GDPR will be:

Article 6

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

- Processing is necessary for compliance with a legal obligation to which the controller is subject, for example School Census
- Necessary for the performance of a contract
- To protect the vital interests of the data subject or of another person
- For the performance of a task carried out in the public interest

Article 9

- 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.

Paragraph 1 shall not apply if one of the following applies:

- 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 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.

Storing pupil data

Data is retained in line with the Information Resources Management Service (IRMS) Retention Schedule. Further information can be found on their website <http://irms.org.uk/page/SchoolsToolkit> or a printed version is available on request from the school office.

In accordance with GDPR, the school does not store personal data indefinitely: data is only stored for as long as is necessary to complete the task for which it was originally collected. However, some established systems that the school uses to store pupil data do not currently allow for deletion. This is beyond the school's control. These companies are aware of their duties under GDPR and are working on system upgrades that is anticipated will allow for the permanent deletion of data.

Data storage on systems used by The Loyne Specialist School is detailed below:

Pupil Information & Assessment Systems	Retention Period
Capita SIMs	Capita is the Data Processor. The SIMs system does not currently allow for deletion. From September 2018 Capita will upgrade its system allowing for record deletion 3 years after the pupil has left school
On our secure school network drive	Stored for 25 years from date of birth of the pupil then securely deleted
On examination databases	Names of pupils are submitted to examination boards for examination and assessment purposes only
iAchieve App - to record learning journeys for Further Education Pupils	Stored for 25 years from date of birth of the pupil then securely deleted
B Squared Assessment	Stored for 25 years from date of birth of the pupil then securely deleted Retained for 30 days from end of contract by B Squared.
Lexia – Recording and Spelling Software	Stored for 25 years from date of birth of the pupil then securely deleted
Report Box – Annual reporting tool used by staff	Stored for 25 years from date of birth of the pupil then securely deleted Held by Report Box for 7 years from point of entry.
CPOMS – Safeguarding Suite	CPOMS System Limited takes the stance of the Data processor for the Loyne School. As a result of this any information logged on the CPOMS system will not be removed but instead will remain on the

	<p>system until CPOMS receive a request in writing from the Headteacher of the school to remove this from the system. CPOMS are currently developing an inbuilt deletion process specifically for compliance with GDPR legislation.</p> <p>Records will be held for 25 years from date of birth of the pupil.</p>
Grid Player/Smart Box – Communication aid for specific pupils only	Until pupil leaves school
Touch Type Read and Spell	Until pupil leaves school
Text messaging service	Until pupil leaves school
Evolve – Residential information system	Until pupil leaves school
Tucasi – School meals, club and trip data	Tucasi is the Data Processor. The Tucasi system does not currently allow for data to be permanently deleted. Tucasi are aware of this issue and are developing an upgrade that is anticipated will allow for the permanent deletion of data that is no longer required.
CCTV	Images are retained for 30 days

Who we share pupil information with

We routinely share pupil information with:

- Educational Establishments that the pupil's attend before and after leaving us
- Our local authority and other local authorities as required
- Social Care
- Examination Boards
- The Department for Education (DfE)
- NHS/school nurse
- Therapists and medical professionals
- Lancashire Child, Adolescent Mental Health Service (CAMHS)
- Lancashire Care NHS Trust
- B Squared Assessment
- Examination boards and assessors
- Third party providers, e.g. music therapist, Morecambe Sports Club, residential settings
- Colleges and work places for the purpose of work experience
- Colleges at which the pupil attends a course
- Appropriate persons on training courses that may be held in school or offsite. Pupil data will only be shared for training purposes where the parent/legal guardian has given unambiguous consent
- Professionals involved with research and Development at High Educational Establishments. Pupil data will only be shared for research and development purposes where the parent/legal guardian has given unambiguous consent
- Approved contractors such as Education Transport

- Longlands development centre

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.

Parent and Pupil Rights

Parents and pupils have the following rights in relation to the processing of their personal data. You have the right to:

- Be informed about how The Loyne Specialist School uses your personal data.
- Request access to the personal data that The Loyne Specialist School holds.
- Request that your personal data is amended if it is inaccurate or incomplete.
- Request that your personal data is erased where there is no compelling reason for its continued processing.
- Request that the processing of your data is restricted.
- Object to your personal data being processed.

Where the processing of your data is based on your consent, you have the right to withdraw this consent at any time.

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>.

Youth support services

Pupils aged 13+

Once our pupils reach the age of 13, we also 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 where they are deemed to have capacity to understand and make this decision.

Pupils aged 16+

We will also 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. <http://www.lancashire.gov.uk/>

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 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 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 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 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 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>

Requesting access to your personal data

Under data protection legislation, parents and pupils 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 **Anna Lazenbury, School Business Manager/Data Protection Officer**.

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/>

Contact

If you would like to discuss anything in this privacy notice, please contact: **Anna Lazenbury, School Business Manager/Data Protection Officer**.

Further information about General Data Protection Regulations (GDPR) can be found in our GDPR Compliance Policy on our website

Lancashire County Council: May 2018

Reviewed and Updated by: Anna Lazenbury May 2018

Date of Next Review: May 2019 or as and when changes occur.