

Privacy Notice - Pupils

How We Use Pupil Information

Under data protection law, individuals have a right to be informed about how Prosper Learning Trust uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about pupils who attend any of the academies in our trust.

We, Prosper Learning Trust, are the 'Data Controller' for the purposes of data protection law.

The categories of pupil information that we collect, process, hold and share:

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

- Contact details, contact preferences, date of birth, identification documents (to confirm name, unique pupil number, address, age etc.)
- Characteristics (such as ethnicity, language, nationality, country of birth, SEND information and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Safeguarding information (including involvement of other agencies such as court orders and professional involvement)
- Details of any medical conditions, including physical and mental health (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- Results of internal assessments and externally set tests/exams and post 16 courses enrolled for
- Pupil and curricular records (including previous schools' information)
- Behavioural information (exclusions/reports)
- Details of any support received, including care packages, plans and support providers
- Biometric information for school meal management
- Photographs or video
- CCTV images captured in schools
- Educational Visit information (including permissions, emergency contacts, visit reports etc.)

This list is not exhaustive - we may also hold data about pupils that we have received from other organisations, including other schools, hospitals, local authorities and the Department for Education. The data asset register and updated privacy notices will be made available on the PROSPER Learning Trust website.

Why we collect and use this information

We collect and use the pupil data to:

- Support pupil learning
- Monitor and report on pupil progress
- Provide appropriate pastoral care
- Protect pupil's welfare
- Keep children safe (medical conditions, food allergies, or emergency contacts)
- Assess the quality of our services
- Administer admissions waiting lists
- Carry out research
- Comply with the law regarding data sharing
- To meet the statutory duties placed upon us for DfE data collections

The lawful basis on which we process this information

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

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

Less commonly, we may also process pupils' special category data in situations where:

- We have obtained explicit consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)
- Processing is necessary for reasons of substantial public interest

Where we have obtained consent to use pupil's 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 reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

Collecting pupil information

We collect pupil information via registration forms at the start of the school year/on entry to the school or Common Transfer File (CTF) or secure file transfer from a hospital or any previous school.

Pupil data is essential for the schools' operational use. 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 data protection legislation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

Storing this information

We keep personal information about pupils while they are attending schools within the Trust. We may also keep it beyond their attendance at these schools if this is necessary in order to comply with our legal obligations. Our data retention schedule sets out how long we keep information about pupils. A copy of this schedule is available upon request from the Trust office. Pupil information will be held on personal file and on the school's Management Information System – SIMS or Bromcom.

The trust is committed to keeping the personal data that it holds safe from loss, corruption or theft.

The measures in place to do this include:

- Data protection training for all employees, Local Advisory Committee members and Trustees
- Policies and procedures detailing what employees and office holders can and cannot do with personal data
- Various IT security safeguards such as firewalls, encryption, and anti-virus software
- On-site security safeguards to protect physical files and electronic equipment

For the purpose of community teaching/school outings a list of (emergency) contacts will be taken off school premises and held securely by the lead teacher in each case.

Who we share pupil information with

We routinely share pupil information with:

- Schools that the pupils attend after leaving us
- Relevant local authorities – to meet our legal obligations to share certain information with them, such as safeguarding concerns, exclusions and attendance
- The Department for Education – see below
- Pupil's family and representatives
- Examining bodies (AQA, Edexcel, Princes Trust)
- Suppliers and service providers (Class Charts, Epraise, CPOMS, SIMS, Bromcom, B-Squared) – to enable them to provide the service we have contracted them for
- Our regulator – Ofsted
- Police forces, courts, tribunals
- Professional bodies
- Health and social welfare organisations
- Professional advisers and consultants
- Health authorities
- Central and local government
- Connexions (careers service)/youth support services (pupils aged 13+)

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 are required to share information about our pupils with the relevant local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information about Individual Pupils) (England) Regulations 2013. This data sharing underpins school funding and educational attainment policy and monitoring.

In order to deliver the best possible education Prosper Learning Trust often uses other service providers. These organisations will sometimes require access to your personal data in order to complete their work. If the trust does use a third party organisation it will always have an agreement in place to ensure that the other organisation keeps your data secure and only uses it for the agreed purpose(s).

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education, 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 the relevant 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 pupil once they reach the age of 16.

Pupils aged 16+

We will also share certain information about pupils aged 16+ with the relevant 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 the relevant 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 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. Decision 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 NPD data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisation 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 (**Subject Access Request**) that we hold. To make a request for your personal information, or be given access to your child's educational record, contact Victoria Hall, Data Protection Officer.

If you make a Subject Access Request, and if we do hold information about you or your child 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 or your child
- 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

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

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 decision being taken by automated means
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed
- Claim compensation for damages caused by a breach of the Data Protection regulations either through the ICO, or through the courts

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 Victoria Hall, Data Protection Officer (see contact details below).

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

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

Further information

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact Victoria Hall, Data Protection Officer at admin@prosperlearningtrust.co.uk

Privacy Notice Addendum – Covid-19

Remote Education

During the Covid-19 (Coronavirus) pandemic, we want to ensure that pupils are able to access a variety of online learning including 'live' and pre-recorded lessons which will include a mixture of teaching and instruction and also giving pupils tasks to complete. These lessons will be hosted via online platforms such as Microsoft Teams. When accessing these platforms, pupils and/or parents will need to share some basic personal information in order to use the platform (i.e. name and agreed email address). It is very important that your personal information is kept safe and there are measures in place to ensure this happens. You can find details on the information required by individual video platforms and their security measures by viewing their privacy notices.

Examples of the video platforms used are as below:

Microsoft Teams:

<https://www.microsoft.com/en-gb/microsoft-365/microsoftteams/security>

Zoom:

<https://zoom.us/privacy/>

When pupils take part in online live lessons, aspects of your/your child's personal data (i.e. name and email address) will be shared with third parties such as the above video platforms, which is required in order for these systems to be accessed. These systems relate to our public task to provide pupils with an education. If Microsoft Teams is used, your child/children will be using the Prosper Learning Trust domain and this will have been set up using information already held by the school, covered under the main Trust Privacy Notice.

Each Academy will also have provided further information about taking part in these calls. If you would prefer for your child not to access these systems, please contact the school's reception to discuss this further.

GDPR and Data Protection Act 2018 provides a framework of Articles about the use of personal data. We have included a cross reference to the relevant Articles in the information below.

The use of your/your child's information for these purposes is lawful for the following reasons:

1. We are under a legal obligation to collect the information or the information is necessary for us to meet legal requirements, such as our duty to safeguard pupils. (Article 6, 1c)
2. It is necessary for us to hold and use the information for the purposes of providing schooling and so we can look after our pupils. This function is in the public interest because everybody needs to have an education. (Article 6, 1e)
3. Sometimes we need permission to use certain information. In these circumstances, we will ask you/your child, for permission. (Article 6, 1a)

Consent

You may change your mind in relation to any of the consents that you have provided at any time.

You can refuse to provide your consent for your child to access online live learning/lessons. You do not have to provide reasons for this and it will not affect your child's place at the Academy or their access to alternative online learning resources.

If you wish to provide additional information, we will use this to understand any concerns that you have and take appropriate steps, where necessary. If at any point you decide to withdraw your consent to have your child access lessons with teaching staff via Zoom or Microsoft Teams, or otherwise amend your position, please write to us at admin@prosperlearningtrust.co.uk.

Concerns

If you have any specific queries or concerns about the data processing required in order for your child to access online lessons, then please speak to the Headteacher. Should you have any further queries or concerns, please email admin@prosperlearningtrust.co.uk who will forward you message to the Trust Data Protection Officer

If necessary, you can contact an outside agency - the Information Commissioner's Office who could also help at <https://ico.org.uk/concerns/>

Additional Information we may Collect

The categories of information that we collect, hold and share include the following:

- Basic personal information (e.g. name, pupil number, DOB and address) (pupils, parents)
- Safeguarding information (pupils)
- Job role and evidence of employment in this role (parents)
- Attendance information (pupils)

We will also process information which may include 'special category' data about our pupils including:

- Information which identifies children that are 'vulnerable' (those who have a social worker, such as children in the care of the Local Authority and those children and young people up to the age of 25 with education, health and care (EHC) plans)
- Relevant medical information (pupils and staff)

Why we are Processing Additional Information

We are processing this information to facilitate the provision of care for vulnerable children and the children of critical workers.

This involves:

- Processing pupil information to facilitate their learning and meet any care requirements that they have
- Processing parents' employment information to confirm their status as a critical worker

Any personal data that we process about our pupils and parents and staff is done so in accordance with GDPR and Data Protection Act 2018.

Free School Meals

If you are eligible for free school meals we will share your information with a third party processor for the purposes of providing vouchers to parents whilst pupils are not attending school due to the COVID-19 pandemic response.

DFE Requirements

We are obliged to share attendance data with the Department for Education during this time.

The following information will be shared:

1. The names of all children who are in attendance on each day
2. Whether the child is present on each day
3. Whether the child has parents who are critical workers
4. If the child is vulnerable e.g. they have on an education health and care plan (EHCP), have a social worker (CiN), or are looked after children
5. If the child is on an EHCP
6. If the child has a social worker
7. The time the child signed into the school
8. The time the child signed out of the school
9. The number of children or staff members that are ill, isolating, shielding and whether there is a suspected or confirmed case of COVID-19
10. The number of children or staff members who have been asked to self-isolate by the NHS Test and Trace system
11. The number of children or staff members living with a clinically extremely vulnerable person

Test and Trace

All UK schools have an obligation to respond appropriately to the Government's advice regarding coronavirus. In order to aid the Government in fighting COVID-19 (coronavirus) and to help keep everyone safe as children return to school, the school will take part in the NHS "Test and Trace" service.

If there is a suspected or confirmed case of COVID-19 then we may be required to share staff, students, parents and visitor's personal data with NHS Test and Trace, who act as a Data Controller in their own right. We may also share this information with the Local Authority, who will use it for the purposes of COVID-19 prevention and detection only.

This information may include:

- Your full name
- Your date of birth
- Your contact details
- Relevant medical information

All information which we share through this service is shared in accordance with Article 6 and 9 of the 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' Article 9(2)(i) 'processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare'

For more information about the service please see the Government guidance and Public Health England's privacy notice: <https://www.gov.uk/guidance/nhs-test-and-trace-how-it-works>

<https://contact-tracing.phe.gov.uk/help/privacy-notice>