

# Mercia Primary Academy Trust



## Privacy Notices

### Policy Status and Review

<b>Date:</b>	<b>July 2022</b>
<b>Review Date:</b>	<b>July 2023</b>
<b>Signed by Director:</b>	<b>Alison Dolphin</b>
<b>Date Signed:</b>	<b>06/07/2022</b>

### 1. Privacy notice for parents/carers

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. 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 **pupils**.

We, Flax Hill Junior Academy (part of Mercia Primary Academy Trust), are the 'data controller' for the purposes of data protection law.

Our data protection officer is: **Nicola Cook** (see 'Contact us' below).

### The personal data we hold

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
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs
- Exclusion information
- Details of any medical conditions, including physical and mental health
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs
- CCTV images captured in school

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

### Why we use this data

We use this data to:

- Support pupil learning
- Monitor and report on pupil progress
- Provide appropriate pastoral care
- Protect pupil welfare
- Assess the quality of our services
- Administer admissions waiting lists (for those schools in the trust that use them)
- Carry out research

- Comply with the law regarding data sharing

### **Our legal basis for using this data**

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' 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 pupils' 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 this information**

While the majority of information we collect about pupils 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.

### **How we store this data**

We keep personal information about pupils 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 Management Policy which incorporates [Information and Records Management Society's toolkit for schools](#), sets out how long we keep information about pupils. A copy of this can be viewed on the school website.

### **Data sharing**

We do not share information about pupils with any third party 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 pupils with:

- *Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions*
- *The Department for Education - to meet our legal obligations to share certain information with it, such as school census*

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- *The pupil's family and representatives – to meet our statutory legal obligations to share information, such as school reports*
- *Educators and examining bodies - to meet our legal obligations to share certain information with it, such as standards and teaching agency for end of KS assessments (SATs)*
- *Our regulator - to perform an official task in the public interest e.g. Ofsted.*
- *Suppliers and service providers – to enable them to provide the service we have contracted them for, Music Service Level Agreement*
- *Financial organisations - to enable them to provide the service we have contracted them for, such as ParentPay*
- *Our auditors - to perform an official task in the public interest, financial regularity.*
- *Survey and research organisations - to enable them to provide the service we have contracted them for, such as Bikeability, Modeshift Superstars*
- *Health and social welfare organisations - to meet our legal obligations to share certain information with it, such as safeguarding*
- *Professional advisers and consultants - to enable them to provide the service we have contracted them for, Educational psychologist, Autism Outreach Team, SENS team*
- *Charities and voluntary organisations - to enable them to provide the service we have contracted them for, XLM mentoring*
- *Police forces, courts, tribunals - to meet our legal obligations to share certain information with it, such as safeguarding*
- *Professional bodies - to enable them to provide the service we have contracted them for, such as legal services*

### National Pupil Database

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census (*and early years' census for Lark Hall Infant and Nursery School and Lakeside Primary School*).

Some of this information is then stored in the [National Pupil 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.

### 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.

### Parents and pupils' rights regarding personal data

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

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

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.

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

Parents/carers may request access to their child's **educational record**. To request access, please make a formal written request via the school office manager, stating you would like access to your child's educational record.

### Other rights

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

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by 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/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our data protection officer:

**Nicola Cook DPO Solutions for Schools Ltd.**

**Address:** c/o PSB Jubilee House, Townsend Lane, London, NW9 8TZ

**Email:** nicola@schoolsdpo.com

**Web:** www.schoolsdpo.com

**Telephone:** 01296 658502

*This notice is based on the [Department for Education's model privacy notice](#) for pupils, amended for parents and to reflect the way we use data in this school.*

### 2. Privacy notice for pupils

You have a legal right to be informed about how our school uses any personal information that we hold about you. To obey with this, we provide a 'privacy notice' to you where we are processing your personal data.

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

We, Flax Hill Junior Academy (part of Mercia Primary Academy Trust), are the 'data controller' for the purposes of data protection law.

Our data protection officer is: **Judicium Consulting Limited** (see 'Contact us' below).

### The personal data we hold

We hold some personal information about you to make sure we can help you learn and look after you at school.

For the same reasons, we get information about you from some other places too – like other schools, the local council and the government.

This information includes:

- Your contact details
- Your test results
- Your attendance records
- Your characteristics, like your ethnic background, religious beliefs or any special educational needs
- Any medical conditions you have
- Details of any behaviour issues or exclusions
- Photographs
- CCTV images

### Why we use this data

We use this data to help run the school, including to:

- Get in touch with you and your parents when we need to
- Check how you're doing in exams and work out whether you or your teachers need any extra help
- Track how well the school as a whole is performing
- Look after your wellbeing

### Our legal basis for using this data

We will only collect and use your information when the law allows us to. Most often, we will use your information where:

- We need to obey the law

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- We need to use it to carry out a task in the public interest (in order to provide you with an education)

Sometimes, we may also use your personal information where:

- You, or your parents/carers have given us permission to use it in a certain way
- We need to protect your interests (or someone else's interest)

Where we have got permission to use your data, your parents/carers may withdraw this at any time. We will make this clear when we ask for permission, and explain how to go about withdrawing consent.

Some of the reasons listed above for collecting and using your information overlap, and there may be several grounds which mean we can use your data.

### Collecting this information

While in most cases your parents/carers must provide the personal information we need to collect, there are some occasions when they can choose whether or not to provide the data.

We will always tell them if it's optional. If they must provide the data, we will explain what might happen if they don't.

### How we store this data

We will keep personal information about you while you are a pupil at our school. We may also keep it after you have left the school, where we are required to by law.

We have a Records Management Policy which incorporates [Information and Records Management Society's toolkit for schools](#) and sets out how long we must keep information about pupils. A copy of this can be viewed on the school website.

### Data sharing

We do not share personal information about you with anyone outside the school without permission from your parents/carers, unless the law and our policies allow us to do so.

Where it is legally required, or necessary for another reason allowed under data protection law, we may share personal information about you with:

- *Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions*
- *The Department for Education - to meet our legal obligations to share certain information with it, such as school census*
- *The pupil's family and representatives – to meet our statutory legal obligations to share information, such as school reports*
- *Educators and examining bodies - to meet our legal obligations to share certain information with it, such as standards and teaching agency for end of KS assessments (SATs)*
- *Our regulator - to perform an official task in the public interest e.g. Ofsted.*

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- *Suppliers and service providers – to enable them to provide the service we have contracted them for, Music Service Level Agreement*
- *Financial organisations - to enable them to provide the service we have contracted them for, such as ParentPay*
- *Our auditors - to perform an official task in the public interest, financial regularity.*
- *Survey and research organisations - to enable them to provide the service we have contracted them for, such as Bikeability, Modeshift Superstars*
- *Health and social welfare organisations - to meet our legal obligations to share certain information with it, such as safeguarding*
- *Professional advisers and consultants - to enable them to provide the service we have contracted them for, Educational psychologist, Autism Outreach Team, SENS team*
- *Charities and voluntary organisations - to enable them to provide the service we have contracted them for, XLM mentoring*
- *Police forces, courts, tribunals - to meet our legal obligations to share certain information with it, such as safeguarding*
- *Professional bodies - to enable them to provide the service we have contracted them for, such as legal services*

### **National Pupil Database**

We are required to provide information about you to the Department for Education (a government department) as part of data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](#), which is managed by the Department for Education and provides evidence on how schools are performing. This, in turn, supports research.

The database is held electronically so it can easily be turned into statistics. The information it holds is collected securely from schools, local authorities, exam boards and others.

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

You can find more information about this on the Department for Education's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) if you have any questions about the database.

### **Transferring data internationally**

Where we share data with an organisation that is based outside the European Economic Area, we will protect your data by following data protection law.

### Your rights

#### How to access personal information we hold about you

Your parents/carers can find out if we hold any personal information about you, and how we use it, by making a **'subject access request'**.

If we do hold information about you, we will:

- Provide a description of it
- Tell your parents/carers why we are holding and using it, and how long we will keep it for
- Explain where we got it from, if not from you or your parents/carers
- Tell your parents/carers who it has been, or will be, shared with
- Let your parents/carers know if we are using your data to make any automated decisions (decisions being taken by a computer or machine, rather than by a person)
- Give your parents/carers a copy of the information

You may also ask us to send your personal information to another organisation electronically in certain circumstances.

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

#### Your other rights over your data

Your parents/carers have other rights over how your personal data is used and kept safe, including the right to:

- Say that they don't want it to be used if this would cause, or is causing, harm or distress
- Stop it being used to send them marketing materials
- Say they you don't want it used to make automated decisions (decisions made by a computer or machine, rather than by a person)
- Have it corrected, deleted or destroyed if it is wrong, or restrict our use of it
- Claim compensation if the data protection rules are broken and this harms you in some way

### Complaints

We take any complaints about how we collect and use your personal data very seriously, so your parents/carers must let us know if they think we've done something wrong.

They can make a complaint at any time by contacting our data protection officer.

They can also complain to the Information Commissioner's Office in one of the following ways:

- 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

**Contact us**

If your parents/carers have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our data protection officer:

**Nicola Cook DPO Solutions for Schools Ltd.**

**Address:** c/o PSB Jubilee House, Townsend Lane, London, NW9 8TZ

**Email:** [nicola@schoolsdpo.com](mailto:nicola@schoolsdpo.com)

**Web:** [www.schoolsdpo.com](http://www.schoolsdpo.com)

**Telephone:** 01296 658502

### 3. Privacy notice for staff

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. 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 individuals we employ, or otherwise engage, to work at our school.

We, Flax Hill Junior Academy (part of Mercia Primary Academy Trust), are the 'data controller' for the purposes of data protection law.

Our data protection officer is: **Nicola Cook** (see 'Contact us' below).

### The personal data we hold

We process data relating to those we employ, or otherwise engage, to work at our school. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Contact details
- Date of birth, marital status and gender
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Absence data
- Copy of driving licence
- Photographs
- CCTV footage
- Data about your use of the school's information and communications system

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Race, ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Health, including any medical conditions, and sickness records

### Why we use this data

The purpose of processing this data is to help us run the school, including to:

- Enable you to be paid
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body

### Our lawful basis for using this data

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

- Fulfil a contract we have entered into with you
- Comply with a legal obligation
- Carry out a task in the public interest

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)
- We have legitimate interests in processing the data – for example, where:
  - Use of information gathered from physical access control systems for investigating incidents

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the school's use of your data.

### Collecting this information

While the majority of information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

### How we store this data

We create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes directly relevant to your employment.

Once your employment with us has ended, we will retain this file and delete the information in it in accordance with our Records Management Policy which incorporates [Information and Records Management Society's toolkit for schools](#). A copy of this can be viewed on the school website.

### Data sharing

We do not share information about you with any third party without your 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 you with:

- *Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions*
- *The Department for Education - to meet our legal obligations to share certain information with it, such as school census*
- *The pupil's family and representatives – to meet our statutory legal obligations to share information, such as school reports*
- *Educators and examining bodies - to meet our legal obligations to share certain information with it, such as standards and teaching agency for end of KS assessments (SATs)*
- *Our regulator - to perform an official task in the public interest e.g. Ofsted.*
- *Suppliers and service providers – to enable them to provide the service we have contracted them for, Music Service Level Agreement*
- *Financial organisations - to enable them to provide the service we have contracted them for, such as ParentPay*
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- *Police forces, courts, tribunals - to meet our legal obligations to share certain information with it, such as safeguarding*
- *Professional bodies - to enable them to provide the service we have contracted them for, such as legal services*

### 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.

### Your rights

#### How to access personal information we hold about you

Individuals have a right to make a **'subject access request'** to gain access to personal information that the school 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 the 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 by 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.

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

- Report a concern online at <https://ico.org.uk/concerns/>
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**Nicola Cook DPO Solutions for Schools Ltd.**

**Address:** c/o PSB Jubilee House, Townsend Lane, London, NW9 8TZ

**Email:** nicola@schoolsdpo.com

**Web:** www.schoolsdpo.com

**Telephone:** 01296 658502

This information can be made available in a range of formats and languages, including Braille and large print. If this would be useful to you or someone you know, please contact your Directorate HR Unit.

*A signed copy of this document is available from the school office.*

### Version Control

Version	Date Approved	Changes	Reasons for Alterations & Signature
2	Nov 2020	Updated Judicium phone number with new number in 3 places.	Phone number not in use. M. Booth
3	Jan 2021	Removal of DPO name and replaced with company name	Request from Judicium after Audit
4	March 2021	Added range of formats	Accessibility
5	May 2022	Updated DPO Company from Judicium to DPO Solutions for Schools	Change of DPO