Forest Academy

Privacy notice for parents and carers – use of your child's personal data

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1. Introduction

Under UK data protection law, individuals have a right to be informed about how our 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 at our school**.

We, Forest Academy, Bury Road, Brandon, Suffolk, IP27 0FP – Tel: 01842 810309 are the 'data controller' for the purposes of UK data protection law.

2. The personal data we hold

We hold personal data about pupils at our school to support teaching and learning, to provide pastoral care and to assess how the school is performing.

Personal data that we may collect, use, store and share (when appropriate) about your child 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
- Exclusion information
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Information about your child's use of our information and communications systems, equipment and facilities (e.g. school computers)

We may also collect, use, store and share (when appropriate) information about your child that falls into 'special categories' of more sensitive personal data. This includes, but is not restricted to:

- Information about any medical conditions we need to be aware of, including physical and mental health
- Photographs and CCTV images captured in school
- Information about characteristics, such as ethnic background or special educational needs (SEN)

We may also hold data about your child that we have received from other organisations, including other schools and local authorities.

3. Why we use this data

We collect and use the data listed above to:

a) Support pupil learning

b) Monitor and report on pupil progress

c) Provide appropriate pastoral care

d) Protect pupil welfare

e) Assess the quality of our services

f) Administer admissions waiting lists

g) Administer school property

h) Comply with the law regarding data sharing

i) Make sure our information and communication systems, equipment and facilities (e.g. school computers) are used appropriately, legally and safely

We will only use your child's personal information for the purposes for which we have collected it, unless we reasonably consider that we need to use it for any other reason and that reason is incompatible with the original purpose. If we need to use your child's personal information for an unrelated purpose, we will notify you and explain the legal basis that allows us to do so.

Please note that we may process your child's personal information without your knowledge or consent in compliance with the above rules where this is required or permitted by law.

3.1 Use of your child's personal data in automated decision-making and profiling

We do not currently process any pupils' personal data through automated decision-making or profiling. If this changes in the future, we will amend any relevant privacy notices to explain the processing to you, including your right to object to it.

3.2 Use of your child's personal data for filtering and monitoring purposes

While your child is in our school, we may monitor their use of our information and communication systems, equipment and facilities (e.g. school computers). We do this so we can:

- Comply with health and safety, and other legal obligations
- Comply with our policies (e.g. child protection policy, IT acceptable use policy) and our legal obligations
- Keep our network(s) and devices safe from unauthorised access, and prevent malicious software from harming our network(s)
- Protect your child's welfare

4. Our lawful basis for using this data

Our lawful bases for processing your child's personal data for the purposes listed in Section 3 above are as follows:

Public task

For the purposes of a, b, c, d, e, f, g and i, where applicable, we rely on the 'public task' basis. We process personal data where necessary to carry out our educational, pastoral, safeguarding and administrative functions in the public interest.

These functions are supported by relevant legislation and guidance, including:

- Education Act 1996.
- Education Act 2002, including section 175 in relation to safeguarding and promoting the welfare of children.
- Children Act 1989 and Children Act 2004, where applicable.
- Education (Pupil Information) (England) Regulations 2005, where applicable.
- Keeping Children Safe in Education statutory guidance.
- Relevant statutory guidance and requirements relating to school admissions, attendance, pupil welfare and the provision of education.

We will rely on this basis only where the processing is necessary for a task that has a clear basis in law.

Legal obligation

For the purposes of b, d, f, h and i, and where applicable a, c, e and g, we rely on the 'legal obligation' basis where processing is necessary to comply with a specific legal duty.

This may include our responsibilities relating to maintaining pupil records, sharing information with relevant authorities where required by law, safeguarding children, meeting statutory reporting requirements and complying with applicable health and safety and data protection requirements.

Relevant legislation and guidance may include:

- UK General Data Protection Regulation (UK GDPR).
- Data Protection Act 2018.
- Education Act 1996.
- Education Act 2002.
- Children Act 1989 and Children Act 2004.
- Equality Act 2010.
- Education (Pupil Information) (England) Regulations 2005, where applicable.
- Keeping Children Safe in Education statutory guidance.

We will rely on this basis where the processing is necessary to meet a specific legal obligation.

Legitimate interests

For the purposes of e, g and i, and other relevant administrative activities where appropriate, we may rely on the 'legitimate interests' basis where this is legally available and appropriate.

Our legitimate interests may include:

- Evaluating and improving the quality and effectiveness of our educational services.
- Administering school property and equipment, including keeping records of items issued to pupils and arranging their return.
- Maintaining the security of our information and communication systems, networks, devices and facilities.
- Preventing unauthorised access, misuse and malicious software.
- Supporting the safe and efficient operation of the school.

We will assess whether the processing is necessary for the relevant legitimate interest and whether the child's interests, rights and freedoms override that interest. We will not rely on this basis where it is unavailable for the processing activity concerned.

Consent

For activities where consent is the appropriate lawful basis, we will explain what personal data we wish to use, why we wish to use it and how consent can be withdrawn.

For example, we may seek consent for certain optional uses of photographs or videos, where consent is the appropriate basis for that particular use.

We do not rely on consent as the general lawful basis for delivering education, monitoring pupil progress or carrying out our safeguarding duties.

Where you have provided consent for us to use your child's personal data, you may withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing carried out before consent was withdrawn.

Vital interests

We may rely on the 'vital interests' basis where processing your child's personal data is necessary to protect their life or the life of another person, for example, in a life-threatening emergency.

We do not rely on this basis for routine educational, administrative or pastoral activities.

4.1 Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and 1 of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your child's personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you

- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional, or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

5. Collecting this data

We will only collect and use your child's information when the law allows us to as detailed above in section 4 of this notice. While the majority of information we collect about your child is mandatory, there is some information that can be provided voluntarily.

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.

Most of the data we hold about your child will come from you, but we may also hold data about your child from:

- Local authorities
- Government departments or agencies
- Police forces, courts or tribunals
- Other schools or trusts
- Department for Education

6. How we store this data

We keep personal information about your child while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary to comply with our legal obligations or to meet our regulatory requirements. Our records management policy sets out how long we keep information about pupils.

Our records management policy is available to download from our website:
https://www.forest.suffolk.sch.uk/web/policies/258840

We have put in place appropriate security measures to prevent your child's personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your child's personal data securely when we no longer have a legal requirement to retain it.

7. Who we share data with

We do not share information about your child 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 UK data protection law), we may share personal information about your child with:

- Schools that your child may attend after leaving us
- Our local authority, Suffolk County Council – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions
- Government departments or agencies
- Department for Education
- Our regulator, Ofsted
- Suppliers and service providers:
  - Aspens (catering)
  - CPOMS (Safeguarding monitoring)
  - Smoothwall (Filtering and Monitoring)
  - Arbor (School MIS)
- Health authorities
- Health and social welfare organisations
- Professional advisers and consultants
- Police forces, courts, tribunals

7.1 Sharing data with the Department for Education (DfE)

The Department for Education (a government department) collects personal data from schools and local authorities via various statutory data collections. We are required to share information about our pupils with the DfE either directly or via our local authority, via various statutory data collections.

The data shared will be in line with the following relevant legislation:

Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013

The data is transferred securely and held by the Department for Education under a combination of software and hardware controls that meet the current government security policy framework.

The data we share with the DfE is used for a number of purposes, including to:

- Inform funding
- Monitor education policy and school accountability
- Support research

The information shared with the DfE could include:

- Your child's name and address
- Unique pupil numbers
- Pupil matching reference numbers
- Gender or ethnicity
- Details of any special educational needs (SEN)

- Details of schools attended
- Absence and exclusion information
- Information relating to exam results
- Information relating to any contact with children's services

Please note: this list is not exhaustive.

National Pupil Database (NPD)

We are required to provide information about pupils to the DfE as part of statutory data collections such as the school census.

Some of this information is then stored in the National Pupil Database (NPD), which is owned and managed by the DfE 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 DfE may share information from the NPD with third parties, such as other organisations that promote children's education or wellbeing in England. These third parties must agree to strict terms and conditions about how they will use the data.

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

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

7.2 Transferring data internationally

International transfers of personal data

We use third-party service providers to support the delivery and administration of our school services, including Google Workspace for Education and Arbor, our management information system (MIS).

Arbor states that its MIS data and backups are hosted in the UK. However, some of its service providers and subprocessors may process personal data in other countries. Google Workspace for Education may also involve international processing or access to personal data, depending on the services used and the applicable contractual arrangements.

Where personal data is transferred to, or made accessible to, an organisation outside the UK, we will ensure that the transfer complies with UK data protection law. Depending on the circumstances, this may involve a UK adequacy regulation or appropriate safeguards, such as the UK International Data Transfer Agreement (IDTA) or the UK Addendum to the EU Standard Contractual Clauses, together with any required assessment of the transfer.

We will take appropriate steps to ensure that personal data remains protected when it is processed internationally. You can contact us using the details in the 'Contact us' section of this privacy notice to request further information about international transfers and the safeguards in place.

8. Your rights

8.1 How to access personal information that we hold about your child

You have a right to make a 'subject access request' to gain access to personal information that we hold about your child.

If you make a subject access request, and if we do hold information about your child, we will (subject to any exemptions that apply):

- Give you a description of it
- Tell you why we are holding it, how we are 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 child's personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact us (see 'Contact us' below).

8.2 Your right to access your child's educational record

Parents, or those with parental responsibility, also have the right to access their child's educational record (which includes most information about a pupil). This right applies as long as the pupil is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

To make a request, please contact the school office.

8.3 Your other rights regarding your child's data

Under UK data protection law, you have certain rights regarding how your child's personal data is used and kept safe. For example, you have the right to:

- Object to our use of your child's personal data
- Object to the processing of your child's personal data that is likely to cause, or is causing, damage or distress
- Prevent your child's data being used to send direct marketing
- Object to and challenge the use of your child's 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 or blocked
- In certain circumstances, have the personal data we hold about your child deleted or destroyed, or restrict its processing
- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your child's personal data for a specific purpose
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

We may refuse your information rights request for legitimate reasons, which depend on why we're processing it. Some rights may not apply in these circumstances:

- Your right to have all personal data deleted or destroyed doesn't apply when the lawful basis for processing is legal obligation or public task
- Your right to receive a copy of your personal data, or have your personal data transmitted to another controller, does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests
- Right to object to use of your private data doesn't apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don't haven't the right to object, but you have the right to withdraw consent

See information on types of lawful basis in section 4 of this privacy notice.

To exercise any of these rights, please contact us (see 'Contact us' below).

9. 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 concerns about our data processing, please raise this with us in the first instance. You can make a complaint to us at any time by contacting Naimi White – naimiwhite@forestacademy.co.uk

Alternatively, you can make a complaint at any time 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

10. Contact us

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

Our data protection officer is:

- Schools' Choice Data Protection - data.protection@schoolschoice.org

However, our **data protection lead** has day-to-day responsibility for data protection issues in our school.

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

- Naimi White – naimiwhite@forestacademy.co.uk