

## **Privacy Notice (How we use pupil information)**

We ELEMENTS DIOCESAN LEARNING TRUST are the data controller for the purposes of Data Protection Law.

### **Why do we collect and use pupil information?**

We collect and use pupil information under the following Acts of parliament and associated legislation:

The Education Act, amendments and accompanying regulations, for example: Section 537A of the 1996 Act enables the education setting to collect information to perform the Department of Education's termly census.

Section 40(2)(a) of the Childcare Act 2006 - early years foundation stage and Section 87 of the Education Act 2002 - key stage 1 and key stage 2, enables primary age education settings to collect information for the assessing and reporting of the national curriculum.

There are various versions of the Education Act both preceding and following the 1996 Act that have influence on what information is required and how it is processed such as: The Education Reform Act 1988, Further and Higher Education Act 1992, Education Act 1994, School Standards and Framework Act 1998, Teaching and Higher Education Act 1998, Education Act 2002, Higher Education Act 2004, Education Act 2005, Education and Inspection Act 2006 and Education Act 2011, The Education (Pupil Information) England Regulations 2005 and associated regulations and statutory instruments.

Where appropriate we also rely on:

The Children Act and subsequent amendments

The Common Law Duty of Care Health and Safety at Work Act

Working together to Safeguard Children Guidelines (DfE)

Keeping Children Safe in Education (KCSiE) 2024

Equality Act 2010

The Disability Discrimination Act

Special Educational Needs (SEN) Code of Practice

Safeguarding Vulnerable Groups Act Limitation Act 1980

We collect and use pupil information for the following purposes:

- to support pupil learning;
- to monitor and report on pupil attainment progress;
- to provide appropriate pastoral care;
- to assess the quality of our services;
- to keep children safe (food allergies, or emergency contact details);
- to meet the statutory duties placed upon us for DfE data collections; and

- to comply with the law regarding data sharing.

Please refer to the privacy notice of your child's school for a list of any other reasons for which the school collects and uses information about pupils, parents or carers. This information is available on the school website.

### **The categories of pupil information that we collect, hold and share include:**

- personal identifiers and contacts (such as name, unique pupil number, photograph, contact details and address);
- characteristics (such as ethnicity, language, gender, religion, date of birth, free school meal eligibility);
- special educational needs (including the needs and ranking);
- safeguarding information (such as court orders and professional involvement);
- medical and administration (such as doctor's information, child health, allergies, medication and dietary requirements);
- attendance information (such as sessions attended, number of absences and absence reasons, any previous schools attended);
- assessment and attainment information (such as EYFS, Key Stage or internal academic assessment information, phonics results); and
- behavioural information (such as exclusions and any relevant alternative provision put in place).

For a further example of the information typically held by schools, please see the Department for Education (DfE) Common Basic Data Set, [here](#):

[Common basic data set \(CBDS\): database - GOV.UK](#)

### **Collecting pupil information**

Please refer to the privacy notice of your child's school for details of the methods used by the school to collect 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 data protection legislation, we will inform you, at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this, and we will tell you what you need to do if you do not want to share this information with us.

Please refer to the privacy notice of your child's school for the purposes for which the school intends to collect consent to process information. Please note, you have a right to withdraw consent at any time and can contact your child's school to do this.

If you provide us with contact details of others, for example, in case of emergency or when you may not be available, please ensure that they are aware their information has been passed to the school.

We will also receive the above types of personal information, where relevant, from the previous school/nursery and may also receive information from the Local Authority (LA) and the DfE.

### **Storing pupil data**

The information we collect, use and store about pupils and their parents/carers is retained on our computer systems and in paper files, either until it is updated/superseded or until the pupil leaves the school where it will be passed on to the receiving school in accordance with the Education (Pupil Information) England Regulations 2005.

Records are retained by a secondary school for the period of 25 years from the date of birth of the child (plus 6 years if SEN information). Further information on how long schools retain information can be seen in the Information Records Management Society Toolkit for Academies available at this link: [Record keeping and retention information for academies and academy trusts - GOV.UK](#)

## **Who do we share pupil information with?**

We routinely share pupil information with:

- relevant staff within the school and Elements Diocesan Learning Trust
- schools that the pupils attend after leaving us
- our local authority
- the Department for Education (DfE)
- Health Services

Please refer to the privacy notice of your child's school for a list of other organisations with which the school shares pupil information. This information is available on the school website. We are committed to working with the local authority in protecting and safeguarding children and young people in the Borough. As a consequence we intend, where relevant to do so, to share information with the Multi-Agency Safeguarding Hub (MASH) which is a co-located arrangement of agencies including the local authority, Police, NHS Trusts and Probation Service integrated into a multi-agency team.

The MASH is the single point of contact for safeguarding concerns. The MASH share information appropriately and securely on children or young people in order to take timely and appropriate actions. The teams also provide information and advice across a range of child and family services. Where a pupil/parent/carer has been involved in an accident, an Accident/Incident Report Form will be completed which will include details of the accident including information about you. This information will be passed to the Trust Central Team. This information will be accessed by Trust employees, who legally require access to this data, for purposes related to this incident, and may be shared with others to allow us to comply with our statutory duties.

## **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 the DfE under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

## **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>.

## **Local Authorities**

We may be required to share information about our pupils with the local authority to ensure that they can conduct their statutory duties under

- the [School admissions code 2021](#) including conducting Fair Access Panels.

## **Department for Education**

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under:

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

All data is transferred securely and held by DfE under a combination of software and hardware controls, which meet the current [Security policy framework - GOV.UK](#)

For more information, please see 'How Government uses your data' section.

For privacy information on the data the Department for Education collects and uses, please see: [Personal information charter - Department for Education - GOV.UK](#)

## **CCTV**

Please refer to the privacy notice of your child's school for information about their use of CCTV systems.

## **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:

YourIG Data Protection Officer Service Dudley MBC,

The Council House, Dudley, DY1 1HF

Email: [YourIGDPOService@dudley.gov.uk](mailto:YourIGDPOService@dudley.gov.uk)

Tel: 01384 815607

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
- a right to seek redress, either through the ICO, or through the courts.

The Trust, in line with statutory guidance, will respond to Subject Access Requests within one calendar month. However, if the request is received during the school holiday, please be advised that the Trust will treat this as receipt of the request on the first day back at school and will respond within one calendar month.

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

## **Withdrawal of consent and the right to lodge a complaint**

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting your child's school.

## **Last updated**

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time. This version was last updated in September 2024.

## **Contact**

If you would like to discuss anything in this privacy notice, please contact:

YourIG Data Protection Officer Service

Dudley MBC The Council House

Dudley West Midlands

DY1 1HF

Email: [YourIGDPOService@dudley.gov.uk](mailto:YourIGDPOService@dudley.gov.uk)

Tel: 01384 815607

## **How Government uses your data**

The pupil data that we lawfully share with the DfE through data collections:

- underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school;
- informs 'short term' education policy monitoring and school accountability and intervention (for example, school SATs results or Pupil Progress measures);
- supports 'longer term' research and monitoring of educational policy.

## **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 [Data collection and censuses for schools - GOV.UK](#)

## **The National Pupil Database (NPD)**

Much of the data about pupils in England goes on to be held in 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. To find out more about the NPD, go to [Find and explore data in the National Pupil Database - Find and explore data in the National Pupil Database - GOV.UK](#)

## **Sharing by the Department**

The law allows the Department to share pupils' personal data with certain third parties, including:

- schools

- local authorities
- researchers
- organisations connected with promoting the education or wellbeing of children in England
- other government departments and agencies
- organisations fighting or identifying crime

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department has provided pupil information, (and for which project), or to access a monthly breakdown of data share volumes with Home Office and the Police, please visit the following website: <https://www.gov.uk/government/publications/dfe-external-data-shares>

## **How to find out what personal information DfE hold about you**

Under the terms of the UK Data Protection Act 2018, you are entitled to ask the Department:

- if they are processing your personal data;
- for a description of the data they hold about you;
- the reasons they're holding it and any recipient it may be disclosed to;
- for a copy of your personal data and any details of its source.

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

[Personal information charter - Department for Education - GOV.UK](#)

## **To contact DfE:**

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