

How We Use Your Child's Information Privacy Notice for parents of Younger Pupils (Full)

Orchard Hill College Academy Trust

November 2020

Introduction

This Privacy Notice (**Notice**) is to help you understand **how** and **why** the school collects and uses your child's personal data and **what** we do with that information.

The School is part of Orchard Hill College Academy Trust (the **Trust**). Because the Trust runs the School it is ultimately responsible for how the School handles your child's personal data.

We are providing you this notice because you are able to exercise your child's data protection rights on their behalf. When your child is older and is assessed as having the capacity they will be able to exercise their own data protection rights.

If you have any questions about this notice please talk to your child's form tutor or the Data Protection Officer. GDPR Sentry Limited, Unit 434 Birch Park, Thorp Arch Estate, Wetherby, LS23 7FG, support@gdprsentry.com, 0113804203 or via the Business Support Partner (Rachael Tucker), data.protection@ohcat.org, 020 3897 7002.

What is "personal data"?

Personal data is information that we hold about your child and which identifies your child.

This includes information such as their date of birth and address as well as things like exam results, medical details and behaviour records. CCTV images, photos and video recordings of your child are also personal data.

Where we get your child's personal data from and who we share it with

We obtain your child's personal data from a number of different sources such as our teachers, parents, your child's previous schools and any future school, other pupils and their parents, as well as from people outside of the School such as the local authority.

We will also share information with these people and organisations.

The purposes for which we use your child's personal data and the lawful bases

The School needs to use your child's personal data in order to:

1. Teach your child and our others;
2. Look after your child and others;
3. Monitor the behaviour of your child and others and to take action where appropriate;
4. Enable the Trust to comply with its legal obligations, to assist the Trust regarding the management and operation of the School and to advance and protect the Trust's interests, objects and reputation; and
5. Promote the School. For example, by using photographs of our pupils in the School prospectus, on the Trust or School's website or in social media.

Under data protection law, the Trust can only use personal data if it has a lawful basis for doing so. The lawful bases that we are relying on when handling your child's information are as follows:

- **Public task:** This allows us to use personal data where doing so is necessary in order to perform a task in the public interest. For example, we are performing a task in the public interest when we teach and look after your child.

- **Legal obligation:** The Trust might need to use your information in order to comply with a legal obligation, for example, to report a concern to Social's Services. Occasionally we may have a legal obligation to share your personal data with third parties such as the court.
- **Vital interests:** In limited circumstances, we may use your child's information to protect your child's vital interests or the vital interests of someone else. For example, to prevent someone from being seriously harmed.
- **Legitimate interests:** This means that we are using your child's personal data where this is necessary for our legitimate interests or someone else's legitimate interests. Legitimate interests only applies where it is not overridden by your interests, rights and freedoms.

Our purposes and lawful bases in more detail

This section contains more detail about the purposes for which your child's personal data is used, the applicable lawful basis or bases as well as further information about sources and recipients. It does not say anything different to what's set out above, but goes into more detail.

We have used a colour code system so that you can see which legal basis we are relying on for each of the purposes described above. **LI** means legitimate interests, **PI** means public task, **LO** means legal obligation and **V** means vital interests. So if we have **LI, PI** that means we are relying on both legitimate interests and public task for that purpose.

How and why does the School collect and use your child's personal data?

We set out below examples of the different ways in which we use personal data and where this personal data comes from.

1. Our main reason for using your child's personal data is to provide your child and other pupils with an education - **LO, PI**.
2. We will also use your child's personal data to safeguard and promote your child's welfare and the welfare of others (for example, so that we can look after your child if they are hurt) - **LO, PI, V**.
3. We will use information about your child during the admissions process e.g. when considering any information provided on the registration form. We may let your child's previous school know if they have been offered a place at the School as they have a legitimate interest in finding out what happens to their former pupils as this will help them support their other pupils when they leave the school. The admissions forms which you and the local authority give us and personal data about your child such as their name, contact details, disabilities, any particular difficulties they have with work, hobbies and interests, medical information (such as information about an allergy) and family circumstances. We get information from your child, his / her teachers and other pupils. Your child's old school also gives us information about how well your child did and any difficulties they had if we need this information to teach and care for them - **LO, PI**.
4. Sometimes we get information from your child's doctor and other professionals where we need this to look after your child - **LO, PI**.
5. We need to tell all appropriate members of staff if your child has a health issue - **LO, PI**.
6. We will tell your child's teachers about their special educational needs or if they require extra help with some tasks - **LO, PI**.

7. We will need to share information about your child (e.g. about their health and wellbeing) with the School therapist or nurse - **LO, PI**.
8. If we have information that your child suffers from an allergy we will use this information so that we can look after your child - **LO, PI, VI**.
9. If we have information that your child has a disability we will use information about that disability to provide support - **LO, PI**.
10. Where appropriate, the School will have information about your child's religious or other beliefs and practices. For example, if your child does not eat certain foods - **PI**.
11. We will also hold information such as your child's ethnic group for the purposes of monitoring our obligations under our equality and diversity policy - **LO, PI**.
12. We use CCTV to make sure the School site is safe. Images captured of your child via CCTV will be your child's personal data. CCTV is not used in private areas such as changing rooms and toilets - **PI**.
 - to safeguard the welfare of pupils, staff and visitors;
 - to protect the College's buildings, pupils, parents, staff and visitors from criminal activity such as theft and vandalism;
 - to increase personal safety;
 - to support the protection of property;
 - to aid in the investigation of accidents and incidents and the monitoring of health and safety;
 - to support law enforcement agencies in the reduction, prevention and detection of crime and to assist in the identification, apprehension and potentially prosecution of offenders
13. We will use your child's personal data to take other steps to make sure the school site and buildings are safe, for example, we keep a record of who is on the school sites at any given time - **PI**.
14. We will be told if your child is eligible to receive free school meals so that we can provide these - **LO, PI**.
15. We record your child's attendance and if he or she has time away from the School we record the reason(s) why - **LO, PI**.
16. We will need to report some of your child's information to the government (e.g. the Department for Education). We will need to tell the local authority that your child attends the School, if your child leaves the School or let them know if we have any concerns about your child's welfare. The local authority may also share information with us for these reasons - **LO, PI**.
17. We may need to share information about your child with the Health and Safety Executive (a government organisation) if there is a health and safety issue - **LO**.
18. When we are inspected by Ofsted we will have to make your child's information available to the inspectors to assist them with their inspection - **LO, PI**.
19. If the School receives a complaint or grievance which involves your child we will need to use their information to deal with this appropriately. For example, if you make a complaint or if another parent complains about an issue which involves your child - **LO, PI**.

20. The School may share information about your child with the local authority for the purpose of the preparation, implementation and / or review of your Education Health and Care Plan - **LO, PI**.
21. We may use your child's information in connection with legal disputes - **LO, PI**.
22. We are legally required to provide the Department for Education with certain information about your child. Some of this information will be stored on the National Pupil Database. Organisations can request information from the National Pupil Database which includes information about your child. But they are only allowed to do this for limited purposes and they must be very careful about how they use your child's information. More information can be found here - <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information> - **LO, PI**
23. We will need information about any court orders or criminal petitions which relate to your child. This is so that we can safeguard your child's welfare and wellbeing and the other pupils at the School - **LO, PI**.
24. Depending on where your child will go when they leave us we will provide their information to other schools and colleges. For example, we will share information about your child's exam results and provide references. If we hold safeguarding information about your child, we will share that with your child's next school - **LO, PI**.
25. If your child has a safeguarding file, we are legally required to pass this file to their next school - **LO, PI**.
26. If your child takes public examinations we will need to share information about them with examination boards. For example, if your child requires extra time in exams - **LO, PI**.
27. We may need to share information with the police or our legal advisers if something goes wrong or to help with an enquiry. For example, if one of your child's classmates is injured at the School - **LO, PI**.
28. We use consultants, experts and other advisors to assist the School in fulfilling its obligations and to help run the School properly. We will share your child's information with them if this is relevant to their work - **LO, PI**.
29. If your child is involved in a serious incident, we may need to share information with the police and we may need to use information about the action taken by the police - **LO, PI**.
30. We may share some information with our insurance company to make sure that we have the insurance cover that we need or in connection with an actual or possible claim - **LO, PI**.
31. If the Trust is dealing with a request for information, query, complaint or grievance (e.g. from a parent), we may need to share your child's information with other parties if it is relevant and appropriate to do so. For example, with the appropriate staff, pupil or parent involved and trustees (**LI, PI**)
32. We will share your child's academic and their behaviour records with you or their education guardian, or anyone with parental responsibility, to support their schooling - **LO, PI**.
33. If ever in the future, we are considering restructuring the trust which operates the School, we may share your child's information with the other parties involved and with the relevant professional advisors - **LI**.
34. We will monitor your child's use of email, the internet and mobile electronic devices e.g. iPads. In certain circumstances we will look at the content of your child's communications. This is to check that your child is not misbehaving when using this

technology or putting themselves at risk of harm. If you would like more information about this you can read the acceptable use of IT and email policy or speak to your child's form teacher **LO**, **PI**. The monitoring we do is carried out using computer software which will automatically tell us if something isn't right.

35. We may use photographs or videos (images) of your child as part of our Public Task **PI** i.e. to teach them and keep them safe, or for another purpose. We may continue to use these images after your child has left the school. We will ask you if you are happy for us to use your child's image for some purposes. Examples are listed below.

36. Examples of when we will use your image as part of our Public Task are

- Image used internally to inform staff which pupils have allergies. **PI**.
- Image taken during a lesson which is only shown to the pupils in the video to provide feedback. **PI**.
- Image of a pupil to be used internally, for example on SIMS, ID passes. **PI**.
- Image taken for internal pupil assessments / lessons. **PI**.
- The use of a webcam to broadcast images of pupils within the School, for example, to allow one class to see another as part of an IT lesson. **PI**.
- Image of pupils taken on a School trip or during a sporting event or celebration to be used for an internal exhibition or display. **PI**.

Examples of when we will ask you if you are happy for us to use your image are

- Image is being used in a local newspaper
- Image is being used as part of a case study in specialist publication
- Official School image of a whole School or class or individual pupil, to be purchased by parent/carer
- Image is sent to the School community (e.g. in a School newsletter)
- Image is being published on the School website
- Image is being published on the School prospectus
- Image is being published in social media e.g. on Twitter
- Image is in a video of a School event e.g. sports day or a play

If you have any concerns about us using photographs or videos of your child please speak to your child's form tutor or email data.protection@ohcat.org.

37. We publish our public exam results other news on the website and put articles and photographs in the local news to tell people about what we have been doing - **LI**.

38. We will keep details of your child's address when they leave so we can keep them updated about what is happening at the school, to tell them about events and activities and find out how they are getting on. **LI**.

39. If we pass their details onto a former pupil organisation we will ask you or your child for their consent to do this before we do so.

40. The School must make sure that its computer systems are working well and are secure. This may involve information about your child, for example, our anti-virus software might scan files containing information about your child - **PI**.

41. We may share your child's information with the other academies in the Trust. For example, how well your child has behaved and their test results for the purposes of sharing good practice and good news - **LI**.

42. From time to time, we may use a third party to provide activities such as an external sports coach. We may share your child's information with them, for example, to tell them what sports they are good at- **PI**.
43. Some of the records the School keeps and which contain your child's personal data may be used by the School (or by someone else such as the government) to check that the School has been a good school - **PI**.
44. We also keep some information for archiving purposes (this is known as "archiving in the public interest" under data protection law) and for historical research purposes. This includes our legitimate interest in research; supporting long-term accountability; enabling the discovery and availability of our identity, memory, culture and history; enabling the establishment and maintenance of rights and obligations and of precedent decisions; educational purposes; and commercial and non-commercial re-use. For example, we keep some old photographs so that we have a record of what our schools were like in the past. Information held in our archive may be made publicly available but this would only be done in compliance with data protection laws - (**L**, **PI**).
45. We will share your Child's personal data with the Trustees of the Trust if it concerns something they should know about or which will enable them to fulfil their role as a school trustee. For example, this will apply if your child has done something really well or if there is a problem at the school they need to know about- **LO**, **PI**.
46. We may share your information with Governors of the School if it concerns something they should know about. For example, this would apply if you have done something really well or if there is a problem at the School they need to know about - **LO**, **PI**.

We will only share your child's information with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.

As you will see from the information above, in some cases we will rely on more than one lawful basis for using your child's information. In addition, we may move from one of the lawful basis listed above to another as circumstances change. For example, as a safeguarding matter becomes more serious, we may start to rely on "legal obligation" to share personal data with the local authority in addition to the other lawful bases which are noted for safeguarding purposes.

We use contractors to handle personal data on our behalf for the following purposes:

- a) IT consultants who might access information about your child when checking the security of our IT network;
- b) Software, apps and websites to help us with teaching, and to help us provide pastoral support to our pupils. For example, an app which allows your child to access homework which has been set by their teachers; and
- c) Third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the School site.

If you have any questions about any of the above, please speak to the Data Protection Officer.

The Trust has extra obligations in relation to some types of more sensitive personal data. This applies to information about race or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, information about gender and orientation, information about criminal convictions or offences. When the School handles these types of information it will usually be doing so because:

- It is in the substantial public interest to do so, for example, to provide your child with an education, to look after you and your child's classmates or when the School is inspected.
- For medical purposes. This includes medical treatment and the management of healthcare services.
- The Trust is an employer (e.g. we employ our teachers). Also the School will use your child's information to comply with social protection law (e.g. to look after you) and social security laws. Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.
- To protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.
- It is necessary for the establishment, exercise or defence of legal claims. For example, this allows us to share information with our legal advisors and insurers.

Consent

We may ask for your consent to use your child's information in certain ways as an alternative to relying on any of the bases in the table above. For example, we may ask for your consent before taking or using some photographs and videos if the photograph or video is more intrusive, when the image is being used by on advertising on a billboard or bus or in a large advertising campaign, in a newspaper or in a case study in our prospectus with a particular focus on your child and we cannot rely on legitimate interests or it being in the public interest. If we ask for your consent to use your personal data you can take back this consent at any time.

Any use of your child's information before you withdraw your consent remains valid. Please speak to your child's form teacher if you would like to withdraw any consent given.

Sending information to other countries

In certain circumstances, we may send your child's information to countries which do not have the same level of protection for personal data as there is in the UK. For example, for school trips overseas.

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

If the country that we are sending your child's information to is not on the list, or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might not have the same level of protection for personal data as there is in the UK.

We will provide you with details about the safeguards which we have in place outside of this privacy notice. If you have any questions about the safeguards that are in place please contact the Data Protection Officer.

For how long do we keep your child's information?

We keep your child's information for as long as we need to in order to educate and look after them. We will keep information after your child has left the School. In some cases we may keep your child's information for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

Please see our Information and Records Retention Policy for more detailed information. This can be found on our website.

What decisions can you make about your child's information?

Data protection legislation allows you to exercise a number of rights regarding your child's personal data. The rights are as follows:

- **Correction:** if personal data held by the Trust holds about your child is incorrect you can ask us to correct it.
- **Access:** you can also ask what personal data we hold about your child and be provided with a copy. This is commonly known as making a subject access request. We will also give you extra information, such as why we use this personal data about your child, where it came from and what types of people we have sent it to.
- **Deletion:** you can ask us to delete the personal data that we hold about your child in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your child's information to you or to a third party in a format that can be read by computer in certain circumstances. This applies where (a) the information has been provided by you; (b) the basis that we are relying on to process your child's personal data is consent or contract (please see "Our lawful basis for using your personal data" above); and (c) the personal data is being processed by us on computer.
- **Restriction:** request that we restrict how we use your child's personal data.
- **Objection:** you may object to us using your child's personal data where:
 - we are using it for direct marketing purposes (e.g. to send you an email about a fundraising opportunity);
 - the lawful basis on which we are relying is either legitimate interests or performance of a task carried out in the public interest. Please see the section "Our lawful basis for using your child's personal data" above;
 - if we ever use your personal data for scientific or historical research purposes or statistical purposes.

The Data Protection Officer can give you more information about your child's data protection rights.

Further information and guidance

This notice is to explain how we look after your child's personal data. The Data Protection Officer can answer any questions which you might have.

Like other organisations we need to keep your child's personal data safe, up to date, only use it for what we said we would, destroy it when we no longer need it and most importantly - treat the personal data we get fairly.

Please speak to the Data Protection Officer if:

- you would like to exercise any of your child's rights listed above; or
- you would like us to update the information we hold about your child; or
- you would prefer that certain information is kept confidential.

If you or your child fails to provide certain information when requested, we may not be able to perform our obligations under the contract we have entered into with you. We may also be prevented from complying with our legal obligations (such as to ensure the welfare of your child and their classmates). Failing to provide information may also adversely affect the education and care we are able to provide to your child.

You have a right to lodge a complaint with a data protection supervisory authority. The supervisory authority in the UK is the Information Commissioner's Office - ico.org.uk. If you do have any concerns about how we have handled your child's personal data we would kindly ask that you contact us in the first instance before you speak to the ICO so that we have an opportunity to put things right.