



ROSECROFT PRIMARY AND NURSERY SCHOOL

PRIVACY NOTICE



WHO WE ARE

Rosecroft Primary School is the data controller for the purposes of the relevant legislation ("Data Protection Law") for the control of all data that the school/nursery handles. This privacy notice is intended to provide information about how the school/nursery will manage and handle the data in its possession.

WHAT THIS POLICY IS FOR

This policy is intended to provide information about how the school/nursery will use (or "process") personal data about individuals including: its staff; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided in accordance with the rights of individuals under Data Protection Law to understand how their data is used. Staff and parents are all encouraged to read this Privacy Notice and understand the school/nursery's obligations to its entire community.

This Privacy Notice applies alongside any other information the school/nursery may provide about a particular use of personal data, for example when collecting data via an online or paper form. This Privacy Notice also applies in addition to the school/nursery's other relevant terms and conditions and policies, including:

- any contract between the school/nursery and its staff or the parents of pupils; the school/nursery's policy on taking, storing and using images of children;
- the school/nursery's CCTV policy;
- the school/nursery's retention of records schedule;
- the school/nursery's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- the school/nursery's IT policies, including its Acceptable Use policy and e-Safety policy.

Anyone who works for, or acts on behalf of, the school/nursery (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Notice. Staff, volunteers and governors will also have to comply with the school/nursery's data protection policy for staff, which also provides further information about how personal data about those individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

The school/nursery has appointed Data Protection Education as Data Protection Officer ("DPO") who will deal with all your requests and enquiries concerning the school/nursery's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

They can be contacted by e-mailing your request to sbm@rosecroft.norfolk.sch.uk or via the school office.

DEFINITIONS

"Personal data" is any information that relates to a living individual who can be identified from that information. Processing is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

"Special categories of personal data" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and biometric data.

"Criminal records data" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

WHY THE SCHOOL/NURSERY NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, pupils and parents, the school/nursery may process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of its daily operation.

Some of this activity the school/nursery will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its pupils.

Other uses of personal data will be made in accordance with the school/nursery's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals and provided it does not involve special or sensitive types of data.

The school/nursery expects that the following uses may fall within that category of its (or its community's) "legitimate interests":

- For the purposes of student admission (and to confirm the identity of prospective pupils and their parents);
- To provide education services, including musical education, sporting activities and extra-curricular activities to pupils,
- Monitoring pupils' progress and educational needs;
- Maintaining relationships with the school/nursery community, including fundraising activity
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity or gender pay gap analysis and taxation records);
- To enable relevant authorities to monitor the school/nursery's performance and to intervene or assist with incidents as appropriate;
- To give and receive information about past, current and prospective pupils to/from any educational institution that the student attended or where it is proposed they attend;
- To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils of the school/nursery;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the school/nursery's IT and communications systems in accordance with the IT: acceptable use policy;
- To make use of photographic images of pupils in school/nursery publications, on the school website in accordance with the school/nursery's policy on taking, storing and using images of children;
- For security purposes, including CCTV in accordance with the school/nursery's CCTV policy; and
- Where otherwise reasonably necessary for the school/nursery's purposes, including to obtain appropriate professional advice and insurance for the school/nursery.

In addition, the school/nursery may need to process special category personal data (concerning health, ethnicity, religion or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons may include:

- To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition where it is in the individual's interests to do so: for example for medical advice, social services, insurance purposes or to organisers of school/nursery trips;
- To provide educational services in the context of any special educational needs of a pupil;
- In connection with employment of its staff, for example DBS checks, welfare or pensions; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL/NURSERY AND NURSERY

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about parents who pay fees to the school/nursery;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination marks;
- where appropriate, information about individuals' health, and contact details for their next of kin;
- information provided by previous educational establishments and/or other professionals or organisations working with pupils; and
- images of pupils (and occasionally other individuals) engaging in school/nursery /nursery activities, and images captured by the school/nursery's CCTV system (in accordance with the school/nursery's policy on taking, storing and using images of children).

HOW THE SCHOOL/NURSERY COLLECTS DATA

Generally, the school/nursery receives personal data from the individual directly (including, in the case of pupils, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments). However in some cases personal data may be supplied by third parties (for example another school/nursery, or other professionals or authorities working with that individual); or collected from publicly available resources.

WHO HAS ACCESS TO PERSONAL DATA AND WHO THE SCHOOL/NURSERY SHARES IT WITH

Occasionally, the school/nursery will need to share personal information relating to its community with third parties, such as professional advisers (lawyers and accountants) or relevant authorities (HMRC, police or the local authority). For the most part, personal data collected by the school/nursery will remain within the school/nursery and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of safeguarding files.

However, a certain amount of any SEN student's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the student requires.

Staff, pupils and parents are reminded that the school/nursery is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information about this, please view the school/nursery's Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of the school/nursery's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the school/nursery's specific directions.

HOW LONG WE KEEP PERSONAL DATA

The school/nursery will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and student personnel files is up to 7 years following departure from the school/nursery. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. If you have any specific queries about how this policy is applied or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact Mrs Terri Hammond, via the school/nursery office. However, please bear in mind that the school/nursery may have lawful and necessary reasons to hold on to some data.

KEEPING IN TOUCH AND SUPPORTING THE SCHOOL/NURSERY

The school/nursery will use the contact details of parents and other members of the school/nursery community to keep them updated about the activities and events of interest, including by sending updates and newsletters, by email and by post.

YOUR RIGHTS

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the school/nursery, and in some cases ask for it to be erased or amended or for the school/nursery to stop processing it, but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data or wishing it to be transferred to another person or organisation, should put their request in writing to Mrs Terri Hammond.

The school/nursery will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, which is one month in the case of requests for access to information. The school/nursery will be better able to respond quickly to smaller, targeted requests for information. If the request is manifestly excessive or similar to previous requests, the school/nursery may ask you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it.

You should be aware that certain data is exempt from the right of access. This may include information that identifies other individuals, or information that is subject to legal professional privilege.

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the school/nursery, they have sufficient maturity to understand the request they are making (see section Whose Rights below). Indeed, while a person with parental responsibility will generally be expected to make a subject access request on behalf of younger pupils, the information in question is always considered to be the child's at law. A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf, and moreover (if of sufficient age) their consent or authority may need to be sought by the parent. Pupils aged 13 are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Children younger than 13 may be sufficiently mature to have a say in this decision. All subject access requests from pupils will therefore be considered on a case by case basis.

Where the school/nursery is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Please be aware

however that the school/nursery may have another lawful reason to process the personal data in question even without your consent.

That reason will usually have been asserted under this Privacy Notice or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation has been requested).

WHOSE RIGHTS

The rights under Data Protection Law belong to the individual to whom the data relates. However, the school/nursery will rely on parental consent to process personal data relating to pupils (if consent is required). In general, the school/nursery will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare, unless, in the school/nursery's opinion, there is a good reason to do otherwise.

However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, the school/nursery may be under an obligation to maintain confidentiality unless, in the school/nursery's opinion, there is a good reason to do otherwise; for example where the school/nursery believes disclosure will be in the best interests of the pupil or other pupils, or if required by law.

Pupils are required to respect the personal data and privacy of others and to comply with the school/nursery's IT: acceptable use and e-safety policies and the school/nursery rules. Staff are under professional duties to do the same covered under the relevant staff policy.

DATA ACCURACY AND SECURITY

The school/nursery will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the school/nursery office staff of any changes to information held about them.

An individual has the right to request that any inaccurate or out-of-date information about them is erased or corrected (subject to certain exemptions and limitations under Act).

The school/nursery will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to school/nursery systems. All staff and governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the Interim Headteacher, Miss Rhiannon Price via the school office.

If an individual believes that the school/nursery has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the school/nursery complaints procedure and should also notify the Headteacher. The school/nursery can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the school/nursery before involving the regulator.

References

General Data Protection Regulation (EU 2016/679)

UK Data Protection Act 2018