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B.A.(Hons) Q.T.S



Burtons Way  
Smith's Wood  
Birmingham  
B36 0SZ

Tel: 0121 779 8050

## Privacy Notice for Parents and Pupils – How we use your information

### 2020/21

#### Who are we?

Smith's Wood Primary Academy is the 'data controller'. This means we are responsible for how your personal information is processed and for what purposes.

Smith's Wood Primary Academy is registered as the Data Controller with the Information Commissioner's Office (ICO); Registration Number ZA061973

You can contact the Academy Trust as the Data Controller in writing at:

Burtons Way  
Smith's Wood  
Birmingham  
B36 0SZ

or

s48svolante@smithswoodpri.solihull.sch.uk

#### What is a Privacy Notice?

A Privacy Notice sets out to individuals how we use any personal information that we hold about them. We are required to publish this information by data protection legislation. This Privacy Notice explains how we process (collect, store, use and share) personal information about our pupils and parents.

#### What is Personal Information?

Personal information relates to a living individual who can be identified from that information. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession.

'Special category' personal information relates to personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

## CHALLENGE, SUPPORT, PROGRESS

Email: [office@smithswoodpri.solihull.sch.uk](mailto:office@smithswoodpri.solihull.sch.uk) [www.smithswoodpri.solihull.sch.uk](http://www.smithswoodpri.solihull.sch.uk)  
Smith's Wood Primary Academy Limited – a private company limited by guarantee and an exempt Charity  
Registered in England & Wales – Registration number 09065312  
VAT number 189285257

Registered office is situated at Burtons Way, Smith's Wood, Birmingham, B36 0SZ



## **What personal information do we process about pupils and parents?**

The pupil and parent information that we collect, hold and share includes:

- Personal information including a pupil's name, date of birth, unique pupil number and home address
- Characteristics such as gender, ethnicity, language, and free school meal eligibility
- Attendance information such as sessions attended, number of absences and absence reasons.
- Educational information including records of work, assessment results, relevant medical information, details of pupils' special educational needs, exclusions/behavioural information, post-16 learning information.
- Contact information for parents, carers and other relatives, including telephone numbers, home addresses and e-mail addresses.
- Information about a child's home life, where required as part of necessary safeguarding and welfare processes.

## **Why do we use personal information?**

We use pupil data:

- To support pupil learning
- To monitor and report on pupil progress
- To provide appropriate pastoral care
- To assess the quality of our services
- To comply with the law regarding data sharing
- To safeguard pupils
- To share medical information with health professionals
- Admissions
- Curricular activities
- School census
- Medical information
- Special education needs
- To monitor and report on attendance

## **Collecting 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 the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

## **What are the legal reasons for us to process your personal information?**

We are required to process personal information in accordance with data protection legislation and only do so when the law allows us to. The lawful reasons we have for processing personal information are as follows:

### **1) To comply with the law**

We collect and use general purpose pupil information in order to meet certain legal requirements and legal obligations placed upon the Academy Trust by law. We therefore are required to process personal information for such purposes even if you have not consented to us doing so.

Details of the type of processing that we must undertake, the personal data that is processed, the legislation which requires us to do so and who we may share this information with is set out in Table 1.

If you would like a copy of or further information regarding the statutory authorities that underpin our legal obligations, you should contact the Academy Trust in writing.

## **2) To protect someone's vital interests**

We are able to process personal information when there is an emergency and/or where a person's life is in danger.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 2.

## **3) With the consent of the individual to whom that information 'belongs'**

Whilst much of the personal information processed is in accordance with a legal requirement, there is some personal information that we can only process when we have your consent to do so. In these circumstances, we will provide you with specific and explicit information regarding the reasons the data is being collected and how the data will be used.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 3.

## **4) To perform a public task**

It is a day-to-day function Smith's Wood Primary Academy to ensure that children receive the education and support they require. Much of this work is not set out directly in any legislation but it is deemed to be necessary in order to ensure that pupils are properly educated and supported

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 4.

## **5) We have a legitimate interest**

Occasionally we have reasons to process information which fall outside of our usual day-to-day school functions.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 5.

## **Special category personal information**

In order to process 'special category' data, we must be able to demonstrate how the law allows us to do so. In addition to the lawful reasons above, we must also be satisfied that ONE of the following additional lawful reasons applies:

- 1) Explicit consent of the data subject
- 2) Processing relates to personal data which is manifestly made public by the data subject
- 3) Necessary for establishing, exercising or defending legal claims
- 4) Necessary for reasons of substantial public interest
- 5) Necessary for preventive or occupational medicine, or for reasons of public interest in the area of public health
- 6) Necessary for archiving, historical research or statistical purposes in the public interest

The lawful reasons for each type of special category personal information data that we process is set out in the tables attached.

## **Who might we share your information with?**

We routinely share pupil information with:

- Schools that the pupils attend after leaving us
- Our local authority
- The Department for Education (DfE)

- SMBC Children's services
- School nurse team
- NHS
- Public Health and other public health agencies
- Information Management software: SIMS
- CSAWS
- Evolve
- Commando Joes
- SOLO
- LSCB
- Educational apps: Times Tables Rockstars, Purple mash, Readwriter, Microlib – Junior Librarian
- Microsoft Office – Outlook
- MyConcern
- Conferencing software for homework and home learning: purple mash and zoom.
- Parentpay
- START team
- ODDIZZI
- Tapestry
- Parentpay
- School photographer

We do not share information about our pupils or parents unless the law and our policies allow us to do so.

Please refer to the tables for information about what personal information is shared with which specific third parties.

#### **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>.

#### **What do we do with your information?**

All personal information is held in a manner which is compliant with data protection legislation. Personal information is only processed for the purpose it was collected. The Academy Trust monitors the personal information it processes and will only share personal information with a third party if it has a legal basis to do so (as set out above).

#### **NHS Test and Trace/Public Health Agencies:**

It may be necessary for us to share limited information with the above agencies in the event that an individual tests positive for Coronavirus, or if there is a Coronavirus outbreak. This will enable the named agencies to liaise with families to provide advice and support, and to take appropriate steps in responding to an outbreak.

#### **How long do we keep your information for?**

In retaining personal information, the Academy Trust complies with the Retention Schedules provided by the Information Record Management Society. The schedules set out the Statutory Provisions under which the Academy Trust are required to retain the information.

A copy of those schedules can be located using the following link:

<http://irms.org.uk/page/SchoolsToolkit>

## 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.

## What are your rights with respect of your personal information?

Under data protection law, 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 to have access to your child's educational record, contact the school data protection contact Sue Volante – [s48svolante@smithswoodpri.solihull.sch.uk](mailto:s48svolante@smithswoodpri.solihull.sch.uk) or alternatively;

School Data Protection Officer  
Warwickshire Legal Services  
Warwickshire County Council  
Shire Hall  
Market Square  
Warwick  
CV34 4RL

## Please ensure you specify which school your request relates to.

Where Smith's Wood Primary Academy process data for the purposes of legitimate interests or to fulfil their public task, individuals have a right to object to the processing where it is likely to cause, or is causing, harm or distress. When exercising this right, individuals should contact the school/academy trust to inform them of their reasons for their objection. The school/academy trust will consider the reasons for any objection and assess the risk to the individual against the purposes for the processing. In the event the academy is unable to comply with an objection, we will ensure we can demonstrate compelling legitimate grounds to continue with the processing.

You also have the right to:

- 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
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern 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/>

## Review

The content of this Privacy Notice will be reviewed in September each year

**Table 1**

Information type	Relevant legislation	Special category – additional lawful reason	Third parties with whom we share the information	Lawful reason for sharing
Special Education Needs Report	Children's and Families Act 2014, section 69		Local Authority	Legal Obligation
Attendance register	Education (Pupil Registration)		OFSTED, Local Authority, CSAWS	Legal Obligation

	(England) Regulations 2006, Regulation 4, 10, 11 and 12			
Common Transfer file	Education (Pupil Registration)(England) Regulations 2005, Regulation 6		School pupil transfers to	Legal Obligation
Safeguarding information	Education Act 2002, section 175 Children's Act 1989, Section 17, 47, 83. Children's Act 2004, Section 11		Local Authority	Legal obligation
Admissions Register	Education (Pupil Registration)(England) Regulations 2006, Regulation 4, 10, 11, 14 and 15		OFSTED, Local Authority	Legal Obligation
Curricular Record including Assessment and achievement data	Education (Pupil Information) (England) Regulations 2005, Regulation 4		OFSTED, Local School. Local Authority	Legal Obligation
Educational Record	Education (Pupil Information) (England) Regulations 2005, Regulation 5 and 6		Parents, Local authority	Legal Obligation
Pupil Information i.e name, age address, Emergency contact details	Education (Information About Individual Pupils) (England) Regulations 2013, Regulation 3 and 5		Department of Education – school census. Other schools – when pupils transfer	Legal Obligation
Medical / Dietary / allergies		Necessary for preventative or occupational medicine	Department of Education – school census. Other schools – when pupils transfer	Legal Obligation
School Census	Education Act 1996, Sections 537 & 537A, and accompanying regulations		Department of Education	Legal Obligation

**Table 2** – Personal information we are required to process as it is necessary to protect someone's vital interests

<b>Information type</b>	<b>Relevant legislation</b>	<b>Third parties with whom we share the information</b>	<b>Lawful reason for sharing</b>
Medical Information	Necessary to protect vital interests of the data subject or another person where the data subject is physically or	Medical staff i.e. paramedics/ambulance	Vital Interest

	legally incapable of giving consent'		
Religious belief	Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent	Medical staff i.e. paramedics/ambulance	Vital Interest

**Table 3** - Personal information we are required to process with the consent of the individual to whom that information 'belongs'

<b>Information type</b>	<b>Special category – additional lawful reason</b>	<b>Third parties with whom we share the information</b>	<b>Lawful reason for sharing</b>
Photographs		Local press/media, Medical noticeboard , School photographs, website, prospectus, school displays, school facebook	Consent

Table 4 - Personal information we are required to process because it is necessary to do so in order to perform a public task

<b>Information type</b>	<b>Special category – additional lawful reason</b>	<b>Third parties with whom we share the information</b>	<b>Lawful reason for sharing</b>
Pupil Information i.e name, date of birth, address, Parent detail, Emergency contact details		Department of Education – school census. Other schools – when pupils transfer	Legal Obligation
Academic Progress data, Learning journals, staff observations		OFSTED, Parents, Health such as Speech and Language	Public Task & Legal Obligation
Remote learning and educational apps used in school.		MS Office 365, Purple mash, Zoom, TT Rockstars, Reddiwriter and ODDIZZI	Public Task & Legal Obligation
Safeguarding information, Medical, Special Education Needs		Local Authority, Health, Parents	Legal Obligation

Name		Public Health and other public health agencies	Public task
Date of Birth		Public Health and other public health agencies	Public task
Year Group		Public Health and other public health agencies	Public task
Parent contact number		Public Health and other public health agencies	Public task
Results of COVID-19 testing	Necessary for reasons of public health	Public Health and other public health agencies	Public task

**Table 5 - Personal information we process because we have a legitimate interest**

Information Type	Special Category - additional lawful reason	Third Parties with whom we share the information	Lawful reason for sharing
Images captured on our CCTV system	n/a	This is not shared routinely	n/a