



# The Brook



## **Privacy Notice**

### **Information about Pupils in Schools, Alternative Provision, Pupil Referral Units and Children in Early Years Settings**

#### **The EU General Data Protection Regulation (GDPR)**

On the 25th May 2018 the General Data Protection Regulation (GDPR) will be applicable and the current Data Protection Act (DPA) will be updated by a new Act giving effect to its provisions. Before that time the DPA will continue to apply.

#### **Data Controller**

The Brook School complies with the GDPR and is registered as a 'Data Controller' with the Information Commissioner's Office (Reg. No. **Z9886924**).

The Data Protection Officer (DPO) for the school is Jo Sutton, Business Manager.

We ensure that your personal data is processed fairly and lawfully, is accurate, is kept secure and is retained for no longer than is necessary.

#### **The Legal Basis for Processing Personal Data**

We process personal data because it is necessary in order to comply with the schools legal obligations and to enable it to perform tasks carried out in the public interest.

#### **How we use information**

We collect and hold personal information relating to our pupils and those involved in their care, we may also receive information from previous schools, the local authority(s) and/or the Department for Education (DfE). We use this personal data to:

- support our pupils' learning
- support our pupils' welfare
- monitor and report on their progress
- provide appropriate pastoral care;
- assess the quality of our services;
- process any complaints;
- protecting vulnerable individuals;
- the prevention and detection of crime

This information will include a child's Unique Pupil Number (UPN), contact details, carers details, national curriculum assessment results, examination results, attendance information, any exclusion information, where they go after they leave us and personal characteristics such as their ethnic group, any special educational needs or disabilities they may have as well as relevant medical information.

## **Who we share data with**

We may pass data to:

- third-party organisations, as allowed by law
- agencies that provide services on our behalf
- agencies with whom we have a duty to co-operate

For further information about who we share with and why please see **APPENDIX A**.

## **Retention Periods**

Personal data will not be retained by the school for longer than necessary in relation to the purposes for which they were collected.

Information will be held in accordance with the Information and Records Management Society Tool Kit for Schools.

<https://irms.site-ym.com/page/SchoolsToolkit>

## **Photographs**

The School may take photographs, videos or webcam recordings of pupils or students for official use, monitoring and for educational purposes. You will be made aware that this is happening and the context in which the photograph will be used.

Photographs may also be taken of those attending a ceremony which may appear in the newspaper. You will be made aware that this is happening and the context in which the photograph will be used.

## **Rights**

You have the right to:

1. be informed of data processing (which is covered by this Privacy Notice)
2. access information (also known as a Subject Access Request)
3. have inaccuracies corrected
4. have information erased
5. restrict processing
6. data portability (this is unlikely to be relevant to schools)
7. intervention in respect of automated decision making (automated decision making is rarely operated within schools)
8. Withdraw consent (see below)
9. Complain to the Information Commissioner's Office (See below)

To exercise any of these rights please contact the DPO

### **Withdrawal of Consent**

The lawful basis upon which the school process personal data is that it is necessary in order to comply with the schools legal obligations and to enable it to perform tasks carried out in the public interest.

Where the school process personal data solely on the basis that you have consented to the processing, you will have the right to withdraw that consent.

### **Complaints to ICO**

If you are unhappy with the way your request has been handled, you may wish to ask for a review of our decision by contacting the DPO.

If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted our internal review procedure. The Information Commissioner can be contacted at:

The Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF.

## **APPENDIX A**

### **Who we share data with and why**

#### Youth Service

Once pupils reach the age of 13, the law requires us to pass on certain information to the provider of Youth Support Services in your area. This is the local authority support service who have responsibilities in relation to the education or training of 13-19 year olds.

We may also share certain personal data relating to children aged 16 and over with post-16 education and training providers in order to secure appropriate services for them. A parent/guardian can request that **only** their child's name, address and date of birth be passed to the provider of Youth Support Services in your area by informing the DPO. This right is transferred to the child once he/she reaches the age 16.

For more information about services for young people, please go to the local authority website [www.westsussex.gov.uk](http://www.westsussex.gov.uk).

#### Department for Education (DfE).

We are required, by law, to pass certain information about our pupils to our local authority and the Department for Education (DfE).

The DfE may also share pupil level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with GDPR

Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

DfE may share individual level personal data that we or the LA supplies to them with third parties. This will only take place where legislation allows it to do so and it is in compliance with the data protection principles of the GDPR.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you need more information about how the local authority and/or DfE collect and use your information, please visit:

- our local authority at [www.westsussex.gov.uk](http://www.westsussex.gov.uk) or
- the DfE website at <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

### Primary Care Trusts (PCTs)

We are required, by law, to pass certain information about our pupils to PCT's.

PCT's use information about pupils for research and statistical purposes, to develop, monitor and evaluate the performance of local health services. These statistics will not identify individual pupils. It is necessary for certain health information about children (for example, such as their height and weight) to be retained for a certain period of time (designated by the Department of Health) and requires these PCTs to maintain children's names and addresses for this purpose. PCTs may also provide individual schools and Local Authorities (LAs) with aggregated health information which will not identify individual children.

### Local Authority - education and training

We are required, by law, to pass certain information about our pupils to local authorities and next schools.

The LA holds information about young people living in its area, including about their education and training history. This is to support the provision of their education up to

the age of 20 (and beyond this age for those with a special education need or disability). Education institutions and other public bodies (including the Department for Education (DfE), police, probation and health services) may pass information to the LA to help them to do this.

The LA shares some of the information it collects with the Department for Education (DfE) to enable them to; produce statistics, assess performance, determine the destinations of young people after they have left school or college and to evaluate Government funded programmes.

The LA may also share information with post-16 education and training providers to secure appropriate support for them. They may also share data with education establishments which shows what their pupils go on to do after the age of 16.

For children under 16, a parent or guardian can ask that no information other than their child's name, address and date of birth (or their own name and address) be passed to a local authority. This right transfers to the child on their 16th birthday. Pupils and/or a parent/guardian will need to inform the school/LA if this is what they wish.

If you want to see a copy of information about you that the LA holds, please contact the Data Protection Officer: [FOI@westsussex.gov.uk](mailto:FOI@westsussex.gov.uk)

#### Local Authority – social services

In order to comply with our statutory safeguarding duties we are required, by law, to pass certain information about our pupils to local authorities. Information will only be shared where it is fair and lawful to do so.

If you want to see a copy of information about you that the LA holds, please contact the Data Protection Officer: [FOI@westsussex.gov.uk](mailto:FOI@westsussex.gov.uk)

#### Police, Fire and Rescue Service, Ambulance Service and other emergency or enforcement agencies

In order to comply with our duty of care to pupils, our statutory safeguarding duties and our obligations in respect of the prevention and detection of crime, we may also share personal data with other statutory and partnership agencies.