



# Privacy Notice for Parents and Carers (Use of your Child's Personal Data)

## 1. Introduction

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about students at our school.

We, Lady Manners School, Shutts Lane, Bakewell, Derbyshire, DE45 1JA (telephone: 01629 812671), are the 'data controller' for the purposes of data protection law.

Our data protection officer is Miss J Picknell, Deputy Headteacher (see 'Contact us' below).

## 2. The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about your child includes, but is not restricted to:

- Contact details, contact preferences, date of birth, identification documents
- Personal identifiers (such as unique pupil number)
- Results of internal assessments and externally set tests
- Student and curricular records
- Behavioural information (such as exclusions and any relevant alternative provision put in place)
- Exclusion information
- Attendance information (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- Safeguarding information (such as court orders and professional involvement)
- Details of any support received, including care packages, plans and support providers
- Photographs

We may also collect, use, store and share (when appropriate) information about your child that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

- Biometric data
- Characteristics (such as ethnicity, language, and free school meal eligibility)
- CCTV images captured in school

- Medical and administration (such as doctors' information, child health, dental health, allergies, medication and dietary requirements)
- Special educational needs (including the needs and ranking)

We may also hold data about your child that we have received from other organisations, including other schools and social services.

### 3. Why we use this data

We use the data listed above to:

- Support student learning
- Monitor and report on student attainment and progress
- Provide appropriate pastoral care
- Protect student welfare
- Administer admissions waiting lists
- Assess the quality of our services
- Carry out research
- Comply with the law regarding data sharing
- Celebrate school life and student achievement
- Aid the efficient running of the school

#### 3.1 Use of your child's personal data for marketing purposes

Where you have given us consent to do so, we may send marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest.

You can withdraw consent or 'opt out' of receiving school emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

#### 3.2 Use of your child's personal data in automated decision making and profiling

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

### 4. Our lawful basis for using this data

We collect and use student information under:

- The Education Act (various years)
- The Education (Pupil Registration) (England) Regulations
- The School Standards and Framework Act 1998
- The School Admissions Regulations 2012
- Children and Families Act 2014
- The Special Educational Needs and Disability Regulations 2014
- Article 6 and Article 9 (GDPR) (includes special category data)

Our lawful bases for processing your child's personal data for the purposes listed in section 3 above are as follows:

- For the purposes of 3a, 3b, 3c, 3d and 3e, 3f (above) in accordance with the 'public task' basis – we need to process data to fulfil our statutory function as a school
- For the purposes of 3h (above), in accordance with the 'legal obligation' basis – we need to process data to meet our responsibilities under law
- For the purposes of 3i and 3j (above) (eg biometric data for payment for school meals, in accordance with the 'consent' basis – we will obtain consent from you to use your child's personal data
- For the purposes of 3d (above) (eg medical information following an accident), in accordance with the 'vital interests' basis – we will use this personal data in a life-or-death situation
- For the purposes of 3a (above) (eg passport details for a school trip), in accordance with the 'contract' basis – we need to process personal data to fulfil a contract with your child or to help them enter into a contract with us
- For the purposes of 3g (above), in accordance with the 'legitimate interests' basis – where there's a minimal privacy impact and we have a compelling reason, including:
  - Identifying improvements in the way we deliver our services

Where you have provided us with consent to use your child's data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

#### **4.1 Our basis for using special category data**

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in data protection law:

- We have obtained your explicit consent to use your child's personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law

- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

## **5. Collecting this data**

While the majority of information we collect about your child is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about your child will come from you, but we may also hold data about your child from:

- Local authorities
- Government departments or agencies
- Police forces, courts, tribunals
- Other educational settings

## **6. How we store this data**

We keep personal information about your child while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary. Our Retention Policy sets out how long we keep information about students and is available on request.

We have put in place appropriate security measures to prevent your child's personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your child's personal data securely when we no longer need it.

## 7. Who we share data with

We do not share information about your child with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about your child with:

- Establishments that the students attend after leaving us – to enable their education to continue without interruption
- Our local authority, Derbyshire County Council – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions
- Youth support services (students aged 13+) – to meet our responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.
- Government departments or agencies (such as the DfE) – to meet our legal obligations to share certain information with it, such as information about examination results
- Our regulator, Ofsted – to meet our legal obligations to share certain information with it, such as information about examination results
- Examining bodies – to meet our legal obligations to share certain information with it, such as information about examination results
- Suppliers and service providers – to enable them to provide the service we have contracted them for:
  - Catering systems
  - Online learning facilities
  - Careers information providers
- Careers advisers – to meet our legal obligations to provide careers guidance
- Financial organisations – to meet our statutory financial duties
- Our auditors – to meet our statutory financial duties
- Health authorities – to meet our legal safeguarding obligations
- Security organisations – to meet our legal safeguarding obligations
- Health and social welfare organisations – to meet our legal safeguarding obligations
- Charities and voluntary organisations – to meet our statutory duties regarding the provision of education
- Police forces, courts, tribunals – to meet our legal safeguarding obligations

### National Pupil Database

We are required to provide information about students to the Department for Education as part of statutory data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](#) (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with third parties, such as other organisations which promote children's education or wellbeing in England. These third parties must agree to strict terms and conditions about how they will use the data.

For more information, see the Department's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) with any further questions about the NPD.

### **7.1 Transferring data internationally**

We do not currently share personal information about your child with international third parties outside of the European Economic Area, where different data protection legislation applies.

If this changes in the future, we will do so in accordance with data protection law.

## **8. Your rights**

### **8.1 How to access personal information that we hold about your child**

You have a right to make a 'subject access request' to gain access to personal information that we hold about your child.

If you make a subject access request, and if we do hold information about your child, we will (subject to any exemptions that apply):

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your child's personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact us (see 'Contact us' below).

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), we will need to obtain consent from your child for you to make a subject access request on their behalf.

## **8.2 Your right to access your child's educational record**

Parents, or those with parental responsibility, also have the right to access their child's educational record (which includes most information about a student). This right applies as long as the student is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the student or another individual, or if it would mean releasing exam marks before they are officially announced.

To make a request, please contact the Data Protection Officer.

## **8.3 Your other rights regarding your child's data**

Under data protection law, you have certain rights regarding how your child's personal data is used and kept safe. For example, you have the right to:

- Object to our use of your child's personal data
- Prevent your child's data being used to send direct marketing
- Object to and challenge the use of your child's personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, have the personal data we hold about your child deleted or destroyed, or restrict its processing
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact us' below).

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), we will need to obtain consent from your child for you to make these requests on their behalf.

## **9. Complaints**

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>

- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## **10. Contact us**

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our data protection officer:

Miss J Picknell  
Data Protection Officer  
Lady Manners School  
Shutts Lane  
Bakewell  
Derbyshire  
DE45 1JA

or by email at [info@ladymanners.derbyshire.sch.uk](mailto:info@ladymanners.derbyshire.sch.uk)



**Privacy Notice - Coronavirus - Track and Trace**

Responding to the Coronavirus advice from the Government is an obligation on all schools in England.

The development of the NHS 'Track and Trace' scheme is a key part of the government plan to manage Coronavirus.

As more pupils are returning to our schools, the safety and wellbeing of pupils, staff and their families is a priority.

Planning to manage a safe return is in place, however our responsibility extends beyond the school gates.

We hold a lot of data, and it may be necessary for us to share that data on request from NHS Track and Trace workers.

We will do this and will play our part in making this process as effective as possible.

It is likely that we will be asked to provide contact details if a case of Coronavirus or a suspected case arises in our school.

There is an obligation to support the government planning. We will provide details as requested to do this.

We will be sharing data on the basis that this is a Public Duty (see below) and that in the case of any health data it is necessary for the public interest, as set out.

Please be assured that we will keep a record of information that we share.

This Privacy Notice should be read in alongside the other GDPR and Data Protection on our website.

If you have any questions please contact the school office.

**NHS Test and Trace and the law**

The law on protecting personally identifiable information, known as the General Data Protection Regulation (GDPR), allows Public Health England to use the personal information collected by NHS Test and Trace.

The section of the GDPR that applies is:

Article 6(1)(e) 'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller'

As information about health is a special category of personal information, a further section of the GDPR applies:

Article 9(2)(i) 'processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare'

Public Health England also has special permission from the Secretary of State for Health and Social Care to use personally identifiable information without people's consent where this is in the public interest. This is known as 'Section 251' approval and includes the use of the information collected by NHS Test and Trace to help protect the public from coronavirus. The part of the law that applies here is Section 251 of the National Health Service Act 2006 and the associated Health Service (Control of Patient Information) Regulations 2002.