

Privacy Notice for Students

Esland Daven School



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1. Introduction

You have a legal right to be informed about how our school uses any personal information that we hold about you. To comply with this, we provide a 'privacy notice' to you where we are processing your personal data.

This notice explains how we collect, store and use personal data about **pupils at our school**, like you.

We, Esland Daven School, Unit 2 Dane Valley Mill, Havannah Street, Congleton, CW12 2AH, are the 'data controller' for the purposes of UK data protection law.

Our data protection officer is Mark Calderbank.

2. The personal data we hold

We hold some personal information about you to make sure we can help you learn and look after you at school.

For the same reasons, we get information about you from some other places too – such as other schools, the local council and the government.

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

- › Your contact details.
- › Your test results.
- › Your attendance records.
- › Details of any behaviour issues or exclusions

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

- › Information about your characteristics, like your ethnic background or any special educational needs
- › Information about any medical conditions you have
- › Photographs and CCTV images

3. Why we use this data

We use the data listed above to:

- a) Get in touch with you and your parents or carers when we need to
- b) Check how you're doing in exams and work out whether you or your teachers need any extra help.
- c) Track how well the school as a whole is performing.
- d) Look after your wellbeing.

3.1 Use of your personal data for marketing purposes

Where you have given us consent to do so, we may send you messages by email or text promoting school events, campaigns, charitable causes or services that you might be interested in.

You can take back this consent or 'opt out' of receiving these 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 personal data in automated decision making and profiling

We don't currently put pupils' personal data through any automated decision making or profiling process. This means we don't make decisions about you using only computers without any human involvement.

If this changes in the future, we will update this notice in order to explain the processing to you, including your right to object to it.

4. Our lawful basis for using this data

Under Data Protection laws (UK GDPR Articles 6 and Article 9) we are allowed to process pupil personal data as long as we follow the rules on how to do it. Esland has a Record of Processing that details the law and the rules that are being followed to enable personal information to be processed. We process information in order to deliver education to the pupils. A lot of the information we hold about pupils is mandatory, which means by law we have to do it, otherwise it would be impossible for us to do our job.

Where you've provided us with consent to use your information, you may take back this consent at any time. We'll make this clear when requesting your consent and explain how you'd go about withdrawing consent if you want to.

4.1 Our basis for using special category data

For 'special category' data (more sensitive personal information), we only collect and use it when we have both a lawful basis, as set out above, and 1 of the following conditions for processing as set out in UK data protection law:

- › We have got your explicit consent to use your information in a certain way.
- › We need to use your information under employment, social security or social protection law.
- › We need to protect an individual's vital interests (i.e., protect your life or someone else's life), in situations where you're physically or legally incapable of giving consent.
- › The information has already been made obviously public by you.
- › We need to use it to make or defend against legal claims.
- › We need to use it for reasons of substantial public interest as defined in legislation.
- › We need to use it for health or social care purposes, and it's used by, or under the direction of, a professional obliged to confidentiality under law.
- › We need to use it for public health reasons, and it's used by, or under the direction of, a professional obliged to confidentiality under law.
- › We need to use it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the use 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 UK data protection law. Conditions include:

- › We have got your consent to use it in a specific way.
- › We need to protect an individual's vital interests (i.e., protect your 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 obviously public by you.
- › We need to use it as part of legal proceedings, to obtain legal advice, or to make or defend against legal claims.
- › We need to use it for reasons of substantial public interest as defined in legislation.

5. Collecting this data

While most of the information we collect about you is mandatory (i.e., you have to give us the information), there is some information that you can choose whether or not to give us.

Whenever we want to collect information from you, we make it clear whether you have to give us this information (and if so, what the possible consequences are of not doing that), or whether you have a choice.

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

- Local councils
- Government departments or agencies
- Police forces, courts or tribunals

6. How we store this data

We keep personal information about you while you're attending our school. We may also keep it after you stop attending our school, if this is necessary. Our Data Protection Policy, found on the website, sets out how long we keep information about pupils.

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

We'll dispose of your personal data securely when we no longer need it.

7. Who we share data with

We don't share information about you with any third party without your consent unless the law and our policies allow us to do so.

Where it's legally required, or necessary (and it complies with UK data protection law), we may share personal information about you with:

- Your local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions.
- Government departments or agencies
- Our youth support services provider.
- Our regulator – Ofsted
- Suppliers and service providers
- Financial organisations
- Our auditors
- Survey and research organisations
- Health authorities
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts or tribunals

National Pupil Database

We have to provide information about you to the Department for Education (a government department) as part of data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](#), which is managed by the Department for Education and provides evidence on how schools are performing. This, in turn, supports research.

The database is held electronically so it can easily be turned into statistics. The information it holds is collected securely from schools, local authorities, exam boards and others.

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

You can find more information about this on the Department for Education's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) if you have any questions about the database.

7.1 Transferring data internationally

We may share personal information about you with international third parties, where different data protection legislation applies on the basis of an adequacy decision by the UK government.

Where we transfer your personal data to a third-party country or territory, we will do so in accordance with UK data protection law.

In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

8. Your rights

8.1 How to access personal information that we hold about you

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

If you make a subject access request, and if we do hold information about you, we will (unless there's a really good reason why we shouldn't):

- Give you a description of it.
- Tell you why we are holding and using 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 (decisions made by a computer or machine, rather than by a person), and any consequences of this.
- Give you a copy of the information in an understandable form.

You may also have the right for your personal information to be shared with another organisation in certain circumstances.

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

8.2 Your other rights regarding your data

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

- Say that you don't want your personal information to be used.
- Stop it being used to send you marketing materials.
- Say that you don't want it to be used for automated decisions (decisions made by a computer or machine, rather than by a person)
- In some cases, have it corrected if it's inaccurate.
- In some cases, have it deleted or destroyed, or restrict its use.
- Withdraw your consent, where you previously provided consent for your personal information to be collected, processed and transferred for a particular reason.
- In some cases, be notified of a data breach.
- Make a complaint to the Information Commissioner's Office
- Claim compensation if the data protection rules are broken and this harms you in some way.

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

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 concerns about our data processing, please let us know first.

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 or concerns, or would like more information about anything mentioned in this privacy notice, please contact our **data protection officer**:

- Mark Calderbank
markcalderbank@eslandcare.co.uk