



**BERLESDUNA**  
ACADEMY TRUST

# Privacy Notice

## for Parents and Carers - Use of your personal data

This Privacy Notice was reviewed by Trustees:	<b>17<sup>th</sup> November 2020</b>
This Privacy Notice will be reviewed:	<b>2 years</b>
This Privacy Notice will be reviewed on or before:	<b>November 2022</b>

## Contents

1. Introduction.....	3
2. The personal data we hold .....	3
3. Why we use this data .....	3
4. Our lawful basis for using this data.....	4
5. Collecting this data .....	7
6. How we store this data .....	7
7. Who we share data with .....	7
8. Your rights .....	8
9. Complaints .....	9
10. Contact us .....	9

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## 1. Introduction

Under data protection law, individuals have a right to be informed about how our Trust 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 **parents and carers of pupils at our schools**.

Our trust, Berlesduna Academy Trust, is the 'data controller' for the purposes of data protection law.

Our data protection officer is Lisa Perry (see 'Contact us' below).

## 2. The personal data we hold

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

- Contact details and contact preferences (such as your name, address, email address and telephone numbers)
- Bank details
- Details of your family circumstances
- Details of any safeguarding information including court orders or professional involvement
- Records of your correspondence and contact with us
- Details of any complaints you have made

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:

- Any health conditions you have that we need to be aware of
- Photographs and CCTV images captured in school

We may also hold data about you 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:

- a) Report to you on your child's attainment and progress
- b) Keep you informed about the running of the school (such as emergency closures) and events
- c) Process payments for school services and clubs
- d) Provide appropriate pastoral care
- e) Protect pupil welfare
- f) Administer admissions waiting lists
- g) Assess the quality of our services
- h) Carry out research
- i) Comply with our legal and statutory obligations

### 3.1 Use of your personal data for marketing purposes

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

You can withdraw 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 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

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

- **Contract (CT):** We will need to use your information in order to perform our obligations under our contract with you and for you to perform your obligations as well. For example, we need your name and contact details so that we can update you on your child's progress and so that we can contact you if there is a concern.
- **Legitimate interests (LI):** This means that the School or Trust is using your personal data where this is necessary for the School's legitimate interests or someone else's legitimate interests. Specifically, the School has a legitimate interest in educating and looking after its pupils, complying with its agreement with you for your child to be at the School, making sure that we are able to enforce our rights against you, for example, so that we can contact you if unpaid school fees are due, investigating if something has gone wrong and protecting, promoting and improving the School.
- **Public task (PT):** This allows the School or Trust to use personal data where doing so is necessary in order to perform a task in the public interest. For example, we are performing a task in the public interest when we teach and look after your child.
- **Legal obligation (LO):** The School or Trust might need to use your information in order to comply with a legal obligation, for example, to report a concern about your child's wellbeing to Children's Services or in relation to inspections. Occasionally we may have a legal obligation to share your personal data with third parties such as the courts, local authorities or the police.
- **Vital interests (VI):** In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else. For example, to prevent someone from being seriously harmed.
- **Consent (CO):** We may ask for your consent to use your data in certain ways for example, we will ask for your consent for marketing and promotional purposes and before taking or using identifiable photographs and videos. If we ask for your consent to use your personal data, you can take back this consent at any time.

Any use of your information before you withdraw your consent remains valid. You can contact the Data Protection & Compliance Manager if you would like to withdraw any consent given.

Where you have provided us with consent to use your 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 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 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 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

## 4.2 Our purpose and lawful bases in more detail

This section contains more detail about the purposes for which your personal data is used, the applicable lawful bases as well as further information about sources and recipients.

We have also used a code system so that you can see which bases we are relying on for each of the purposes described below.

- The school and Trusts primary reason for using your personal data is to provide educational and pastoral services to your child (LI, CT, PT)
- We will use information about you in order to process your application for your child's admission to the school. We obtain information about you from the forms and from your child's previous schools. We may also get information from professionals such as doctors and local authorities (LI, CT, PT).
- We will have information about any family circumstances which might affect your child's welfare or happiness. This is to help us provide appropriate care and support to your child (LI, CT, PT).
- We will need information about any court orders or criminal petitions which relate to you. This is so that we can safeguard the welfare and wellbeing of your child and the other pupils at the school (LI, CT, PT).
- We use CCTV in some of the Trust schools to make sure the school site is safe. Identifiable images captured of you via CCTV is considered as your personal data. The school or Trust may use personal data including CCTV recordings for the purposes of crime prevention and investigation and in connection with its obligation to safeguard the welfare of pupils, staff and visitors to the school site. Further information about the school's use of CCTV can be found in the school's CCTV Policy. CCTV is not used in private areas such as toilets or changing rooms (LI, CT, PT).
- We will use your personal data to take other steps to make sure the school site and buildings are safe, for example, we keep a record of visitors to the school at any given time. (LI, PT, LO).

- If there is a complaint or grievance made to the school which involves you then we will use your information in connection with that complaint or grievance (LI, PT).
- The school may share information about you with the local authority for the purpose of the preparation, implementation and/or review of your child's Statement of Special Educational Needs (SEN) or Education Health and Care Plan (EHCP) (LI, PT, LO).
- Where appropriate, the school will have information about your religious or other beliefs and practices. For example, if you do not eat certain foods (LI, PT).
- With prior consent from you, we will send you information electronically to keep you up to date with what is happening at the school, for example, by sending you school publications, newsletters and information about events and activities taking place (including marketing, fundraising and promotional events) (CO).
- We may use your information in connection with legal disputes (LI, PT, LO).
- In accordance with our legal obligations, we will share information with local authorities and the Department for Education, for example, where we have any safeguarding concerns or to comply with our legal obligations. (LI, LO, PT).
- On occasion, we may need to share information with our legal advisors for the purpose of obtaining legal advice (LI, LO, PT).
- We may share information with the police for the prevention and investigation of crime and the prosecution of offenders. We will only do this in specific circumstances to assist the police with their investigations (LI, CT, LO, PT).
- Occasionally we may use consultants, experts and other advisors to assist the School in fulfilling its obligations and to help run the School properly (e.g. our auditors). We will share your information with them if this is relevant to their work (LI, CT, PT).
- If your child leaves us to attend another school, we may provide that school with information about you. For example, details of family circumstances if there have been any safeguarding incidents (LI, LO, PT).
- We may share information about you with others in your family where this is part of our obligation to take care of your child, as part of our wider legal and regulatory obligations. (LI, PT).
- We may need to share information if there is an emergency, for example, if you are hurt whilst on School premises (LI, VI).
- If your child has a Statement of Special Educational Needs or an Education and Health Care Plan, we will share information with and obtain information from the local authority about you (LO, PT).
- We may share your personal data with Governors of the School if it concerns something it would be appropriate to tell them about for the purposes set out in this notice. For example, if there is a concern involving you or your child (LI, PT).
- We use contractors to handle personal data on our behalf for the following purposes (LI):
  - IT consultants who might access information about you when checking the security of our IT network;
  - we use software, apps and websites to help us with teaching, and to help us provide pastoral support to our pupils. For example, we use an app which allows pupils to access homework which has been set by their teachers.

As you will see from this notice, in some cases we will rely on more than one lawful basis above for a particular use of your information. In addition, we may move from one of the lawful bases listed above to another as circumstances change. For example, as a safeguarding matter becomes more serious, we may start to rely on legal obligation to share personal data with the local authority in addition to the other lawful bases which are noted for safeguarding purposes.

## 5. Collecting this data

While the majority of information we collect about you 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 you will come from you, but we may also hold data about you from:

- Local authorities
- Government departments or agencies
- Your children
- Police forces, courts, tribunals

## 6. How we store this data

We keep personal information about you while your child is attending our school. We may also keep it beyond their attendance at our school if this is necessary. Our Records Management Policy sets out how long we keep information about parents and carers.

You can find a copy of our Records Management Policy on our trust website:  
<https://berlesduna.co.uk/BATPolicy.php>.

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

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

## 7. Who we share data with

We do not share information about you 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 you with:

- Our local authority Essex County Council – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions
- Government departments or agencies
- Our regulator, Ofsted
- Suppliers and service providers such as Communication Providers and Online Payment Services
- 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, tribunals

## 7.1 Transferring data internationally

We may share personal information about you with the following international third parties outside of the European Economic Area, where different data protection legislation applies:

Where we transfer your personal data to a country or territory outside the European Economic Area, we will do so in accordance with 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 (subject to any exemptions that may 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 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).

### 8.2 Your other rights regarding your data

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

- Object to our use of your personal data
- Prevent your data being used to send direct marketing
- Object to and challenge the use of your 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 you 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).

## 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**:

Lisa Perry

Berlesduna Academy Trust, School House, Church Road, Basildon, Essex, SS14 2EX

01268 464 759

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