



**BERLESDUNA**  
ACADEMY TRUST

# Privacy Notice for Parents and Carers –

## Use of your child's personal data

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| 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 .....                | 6 |
| 6. How we store this data .....              | 6 |
| 7. Who we share data with .....              | 6 |
| 8. Your rights .....                         | 7 |
| 9. Complaints .....                          | 8 |
| 10. Contact us .....                         | 9 |

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## 1. Introduction

Under data protection law, individuals have a right to be informed about how Berlesduna Academy 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 **pupils within our school and Trust**.

This privacy notice applies while we believe your child is not capable of understanding and exercising their own data protection rights.

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), you should instead refer to our privacy notice for pupils to see what rights they have over their own personal data.

Our Trust, Berlesduna Academy Trust, School House, Church Road, Basildon, Essex, SS14 2EX 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 your child includes, but is not restricted to:

- Contact details, contact preferences, date of birth, identification documents
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Exclusion information
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers

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:

- Any medical conditions we need to be aware of, including physical and mental health
- Photographs and CCTV images captured in school
- Characteristics, such as ethnic background or special educational needs

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:

- a) Support pupil learning
- b) Monitor and report on pupil progress
- c) Provide appropriate pastoral care
- d) Protect pupil welfare
- e) Assess the quality of our services

- f) Administer admissions waiting lists
- g) Carry out research
- h) Comply with the law regarding data sharing

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

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

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 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 make sure that information we collect and use about pupils is in line with the GDPR and Data Protection Act. This means that we must have a lawful reason to collect the data, and that if we share that with another organisation or individual we must have a legal basis to do so.

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.

The Department for Education and Local Authorities require us to collect certain information and report back to them. This is called a 'public task' and is recognised in law as it is necessary to provide the information.

We need to process data to fulfil our statutory function as a school as set out here:

- o Childcare Act 2006
- o Data Protection Act 2018
- o Education Act 2002, as amended by the Education Act 2011
- o Education and Inspections Act 2006
- o Education and Skills Act 2008
- o School Standards and Framework Act 1998
- o School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

We also have obligations to collect data about children who are at risk of suffering harm, and to share that with other agencies who have a responsibility to safeguard children, such as the police and social care.

We share information about pupils who have an Education Health and Care Plan. Medical teams have access to some information about pupils, either by agreement or because the law says we must share that information, for example school nurses may visit the school. Counselling services and therapists are the type of people we will share information with, so long as we have consent or are required by law to do so.

In school we also use various third party tools to make sure that pupils best interests are advanced. This includes financial software to manage school budgets, which may include some pupil data. We use systems to take electronic payments for school meals and other payments. We use software to track progress and attainment, recording evidence as data or as a photograph. We also use systems to monitor any safeguarding concerns, and to hold safeguarding records.

We must keep up to date information about parents and carers for emergency contacts.

We also use contact information to keep pupils, parents and carers up to date about school events

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

## 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 Records Management Policy sets out how long we keep information about pupils. You can access our Records Management Policy via the Berlesduna Academy Trust Website or by requesting a copy from our Data Protection officer.

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:

- 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 youth support services provider
- Our regulator, Ofsted
- Suppliers and service providers: such as our communication providers and Information Management Systems

- 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

## National Pupil Database

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school and early years' 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 may share personal information about your child with the following international third parties outside of the European Economic Area, where different data protection legislation applies.

Where we transfer your child's 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 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 pupil). This right applies as long as the pupil 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 pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

To make a request, please contact our Data Protection officer, Lisa Perry.

## 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).

## 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

Telephone Number: 01268 464 759

Email: [lisaperry@berlesduna.co.uk](mailto:lisaperry@berlesduna.co.uk)