

## Privacy Notices

Barnet Special Education Trust

October 2020

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## 1. Privacy notice for parents/carers

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**.

We, Barnet Special Education Trust, Oak Lodge School, Heath View, London N2 0QY, are the 'data controller' for the purposes of data protection law.

Our DPO service is provided by:

[Satswana](#), Pembroke House, St.Christopher's Place, Farnborough, Hampshire GU14 0NH

Tel. 01252 516898 [info@satswana.com](mailto:info@satswana.com)

### The personal data we hold

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

- Contact details, contact preferences, date of birth, identification documents
- Results of internal assessments and externally set tests
- Student and curricular records
- Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs
- Exclusion information
- Details of any medical conditions, including physical and mental health
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs
- CCTV images captured in school

We may also hold data about students that we have received from other organisations, including other schools, local authorities and the Department for Education.

### Why we use this data

We use this data to:

- Support student learning
- Monitor and report on student progress
- Provide appropriate pastoral care
- Protect student welfare
- Administer admissions requests
- Carry out research
- Assess the quality of our services
- Comply with the law regarding data sharing

## **Our legal basis for using this data**

We only collect and use students' personal data when the law allows us to. Most commonly, we process it where:

- We need to comply with a legal obligation
- We need it to perform an official task in the public interest

Less commonly, we may also process students' personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use students' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using students' personal data overlap, and there may be several grounds that justify our use of this data.

## **Collecting this information**

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

Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

## **How we store this data**

We keep personal information about students while they are attending education settings managed by Barnet Special Education Trust. We may also keep it beyond their attendance at our provisions if this is necessary in order to comply with our legal obligations. We retain records in accordance with the [Information and Records Management Society's toolkit for schools](#), which sets out how long we keep information about students.

## **Data sharing**

We do not share information about students 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 students with:

- The student's family and representatives – so they may play a full part in the educational provision of their child;
- Local authorities who commission places in our schools and provisions – to meet our legal obligations to share certain information with them, such as Special Educational Needs, safeguarding concerns and exclusions;

- The Department for Education – to provide statutory data collections such as the school census;
- Ofsted – to enable them to undertake their statutory duties for quality assurance of our services;
- Examining bodies – to enable our students to access and achieve recognised educational and vocational qualifications;
- Suppliers and service providers – to advance the safeguarding and educational opportunities of students in our provisions;
- Health authorities, health and social welfare organisations – to protect and advance the health and wellbeing of students in our care;
- Professional advisers and consultants, charities and voluntary organisations - in order to advance the educational opportunities of students in our provisions;
- Research organisations – in order to support the wider development of academic knowledge and education practice to the long-term benefit of students in our provisions;
- Police forces, courts, tribunals, other security organisations – to meet our legal and statutory duties and obligations.

### **National Student Database**

Our schools 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 Student 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 other organisations that promote children’s education or wellbeing in England. Such organisations 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.

### **Youth support services**

Once students in our schools or other settings reach the age of 13, we are legally required to pass on certain information about them to their relevant local authority or youth support services provider, as they have legal responsibilities regarding the education or training of 13-19 year-olds.

This information enables it to provide youth support services, post-16 education and training services, and careers advisers.

Parents/carers, or students once aged 16 or over, can contact our data protection officer to request that we only pass the individual’s name, address and date of birth to their relevant local authority or youth support services provider.

## **Transferring data internationally**

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

## **Parents and students' rights regarding personal data**

Individuals have a right to make a **'subject access request'** to gain access to personal information that their school or setting holds about them.

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data, or where the child has provided consent.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. In this trust's schools and other settings, children and young people have not always made the developmental progress that would ensure understanding of their rights and the implications of a subject access request. Therefore, subject access requests from parents or carers of students in our schools and other settings may often be granted without the express permission of the student. However, this is not a rule and a student's ability to understand their rights will always be judged on a case-by-case basis.

Parents also have the right to make a subject access request with respect to any personal data a school or setting holds about them.

If you make a subject access request, and if we do hold information about you or your child, we will:

- 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 or your child
- 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

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request please contact our data protection officer.

Parents of students who attend schools controlled by academy trusts do not have an automatic right to access their child's educational record. Each school or other educational setting in our Multi Academy Trust will decide on a case-by-case basis whether to grant such requests based on an assessment of the student's ability to understand the request, and will bear in mind guidance issued from time to time from the Information Commissioner's Office (the organisation that upholds information rights).

## **Other rights**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing

- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our data protection officer.

## 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.

To make a complaint, please contact our data protection officer.

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

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## 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**:

Our DPO service is provided by:

[Satswana](#), Pembroke House, St.Christopher's Place, Farnborough, Hampshire GU14 0NH

Tel. 01252 516898 [info@satswana.com](mailto:info@satswana.com)

*This notice is based on the [Department for Education's model privacy notice](#) for students, amended for parents and to reflect the way we use data in this school.*

## 2. Privacy notice for students

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

This privacy notice explains how we collect, store and use personal data about you.

We, Barnet Special Education Trust, Oak Lodge School, Heath View, London N2 0QY, are the 'data controller' for the purposes of data protection law.

Our DPO service is provided by:

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### 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 – like other schools, the local council and the government.

This information includes:

- Contact details
- Your special characteristics, like ethnic background or special educational needs
- Medical conditions
- Attendance records
- Learning progress reports
- Photographs
- CCTV images
- Behaviour records or exclusions

### Why we use this data

We use this data to help run your school or college, including to:

- Get in touch with you and your parents when we need to
- Check how you're doing in your learning and whether you or your teachers need any extra help
- Look after your safety and wellbeing
- Track how well your school as a whole is performing

### Our legal basis for using this data

We will only collect and use your information when the law allows us to. Most often, we will use your information where:

- We need to comply with the law
- We need to use it to carry out a task in the public interest (in order to provide you with an education)

Sometimes, we may also use your personal information where:

- You, or your parents/carers have given us permission to use it in a certain way
- We need to protect your interests (or someone else's interest)

Where we have got permission to use your data, you or your parents/carers may withdraw this at any time. We will make this clear when we ask for permission, and explain how to go about withdrawing consent.

Some of the reasons listed above for collecting and using your information overlap, and there may be several grounds that mean we can use your data.

### **Collecting this information**

While in most cases you, or your parents/carers, must provide the personal information we need to collect, there are some occasions when you can choose whether or not to provide the data.

We will always tell you if it's optional. If you must provide the data, we will explain what might happen if you don't.

### **How we store this data**

We will keep personal information about you while you are a student at school. We may also keep it after you have left school, where we are required to by law.

We refer to a document called [Information and Records Management Society's toolkit for schools](#), which sets out how long we must keep information about students.

### **Data sharing**

We do not share personal information about you with anyone outside the school without permission from you or your parents/carers, unless the law and our policies allow us to do so.

Where it is legally required, or necessary for another reason allowed under data protection law, we may share personal information about you with:

- Your family and representatives – so they may play their part in your education;
- Your local authority – to meet our legal duty to share information;
- The Department for Education – to meet our legal duty to share information;
- Ofsted – to help them check how well we teach you;
- Examining bodies – so you can access educational and vocational qualifications;
- Suppliers and service providers – to support your safety and educational opportunities;
- Health authorities, health and social welfare organisations – to protect your health and wellbeing;
- Professional advisers and consultants, charities or voluntary organisations – to offer you wider educational opportunities;
- Research organisations – to support improvements in education practice;
- Police, courts, tribunals, or other security organisations – to meet our legal duties.



## **National Student Database**

We are required 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 stored in the [National Student Database](#), 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 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.

## **Youth support services**

Once you reach the age of 13, we are legally required to pass on certain information about you to your local authority or youth support services provider, as they have legal responsibilities regarding the education or training of 13-19 year-olds.

This information enables it to provide youth support services, post-16 education and training services, and careers advisers.

Your parents/carers, or you once you're 16, can contact our data protection officer to ask us to only pass on your name, address and date of birth.

## **Transferring data internationally**

Where we share data with an organisation that is based outside the European Economic Area, we will protect your data by following data protection law.

## **Your rights**

### **How to access personal information we hold about you**

You can find out if we hold any personal information about you, and how we use it, by making a **'subject access request'**, as long as we judge that you can properly understand your rights and what they mean.

If we do hold information about you, we will:

- 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 or your parents
- Tell you who it has been, or will be, shared with
- Let you know if we are using your data to make any automated decisions (decisions being taken by a computer or machine, rather than by a person)
- Give you a copy of the information

You may also ask us to send your personal information to another organisation electronically in certain circumstances.

If you want to make a request please contact our data protection officer.

### **Your other rights over your data**

You have other rights over how your personal data is used and kept safe, including the right to:

- Say that you don't want it to be used if this would cause, or is causing, harm or distress
- Stop it being used to send you marketing materials
- Say that you don't want it used to make automated decisions (decisions made by a computer or machine, rather than by a person)
- Have it corrected, deleted or destroyed if it is wrong, or restrict our use of it
- Claim compensation if the data protection rules are broken and this harms you in some way

### **Complaints**

We take any complaints about how we collect and use your personal data very seriously, so please let us know if you think we've done something wrong.

You can make a complaint at any time by contacting our data protection officer.

You can also complain to the Information Commissioner's Office in one of the following ways:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### **Contact us**

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Tel. 01252 516898 [info@satswana.com](mailto:info@satswana.com)

*This notice is based on the [Department for Education's model privacy notice](#) for students, amended to reflect the way we use data in your school.*

### 3. Privacy notice for staff

Under data protection law, individuals have a right to be informed about how schools or other settings in our Multi Academy Trust use 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 individuals we employ, or otherwise engage, to work in our schools or other education settings.

We, Barnet Special Education Trust, Oak Lodge School, Heath View, London N2 0QY, are the 'data controller' for the purposes of data protection law.

Our DPO service is provided by:

[Satswana](#), Pembroke House, St.Christopher's Place, Farnborough, Hampshire GU14 0NH

Tel. 01252 516898 [info@satswana.com](mailto:info@satswana.com)

#### The personal data we hold

We process data relating to those we employ, or otherwise engage, to work in our schools or other settings. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Contact details
- Date of birth, marital status and gender
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
- Business or other pecuniary interests
- Other employment or voluntary service
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Absence data
- Photographs
- CCTV footage
- Data about your use of the school's information and communications system

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Health, including any medical conditions, and sickness records

#### Why we use this data

The purpose of processing this data is to help us run the school, including to:

- Enable you to be paid

- Facilitate safe recruitment, as part of our safeguarding obligations towards students
- Support effective performance management
- Inform recruitment and retention policies
- Allow better financial modelling and planning
- Avoid conflicts of interest
- Enable ethnicity and disability monitoring
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body

### **Our lawful basis for using this data**

We only collect and use personal information about you when the law allows us to.

Most commonly, we use it where we need to:

- Fulfil a contract we have entered into with you
- Comply with a legal obligation
- Carry out a task in the public interest

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)
- We have legitimate interests in processing the data – for example, where:
  - Another employment or voluntary activity pursued outside of school hours may give rise to a conflict of interest in the educational purposes and activities of the Trust and its schools or other provisions.

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 go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds that justify the school's use of your data.

### **Collecting this information**

While the majority of information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us.

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.

### **How we store this data**

We create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes directly relevant to your employment.

Once your employment with us has ended, we will retain this file and delete the information in it in accordance with the [Information and Records Management Society's toolkit for schools](#), which sets out how long we keep information about staff.

## **Data sharing**

We do not share information about you with any third party without your 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:

- The relevant local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns;
- The Department for Education
- Your family or representatives
- Educators and examining bodies
- Ofsted
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as payroll
- Financial organisations
- Central and local government
- Our auditors
- Survey and research organisations
- Trade unions and associations
- Health authorities
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Professional bodies
- Employment and recruitment agencies

## **Transferring data internationally**

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

## **Your rights**

### **How to access personal information we hold about you**

Individuals have a right to make a **'subject access request'** to gain access to personal information that the school or setting holds about them.

If you make a subject access request, and if we do hold information about you, we will:

- 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 our data protection officer.

### **Your other rights regarding your data**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if it would cause, or is causing, damage or distress
- Prevent your data being used to send direct marketing
- Object to 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, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our data protection officer.

### **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.

To make a complaint, please contact our data protection officer.

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

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

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Tel. 01252 516898 [info@satswana.com](mailto:info@satswana.com)

*This notice is based on the [Department for Education's model privacy notice for the school workforce](#), amended to reflect the way we use data in this school.*

## 4. Privacy Notice Coronavirus Track and Trace

The Trust has an obligation to respond to the Government's advice on Covid 19 and the development of the NHS 'Track and Trace' scheme is a key part of the Government's plan to manage Coronavirus.

It may be necessary for us to share the data we hold when requested to do so with the Public Health NHS (National Health Service) Track and Trace Workers.

We expect that we will be asked to provide details, including contact details, of any cases of Coronavirus (or a suspected case) that may arise within our schools. We have an obligation to share this, and any other health data, as part of our Public Duty as set out below.

The law on protecting personally identifiable information (Data Protection Act 2018) allows Public Health England to use personal information collected by NHS Test and Trace. (Originally Article 6(1)(e) of GDPR but Section 8 of DPA 2018): "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 "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. 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.

### Contact us

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