



Durham Johnston Comprehensive School

GDPR PRIVACY NOTICE

How we use your child's information

Privacy Notice for Parents / Carers / Students over 16 years

Introduction

This notice is to help you to understand how and why we collect personal information and what we do with that information. It also explains the decisions that you can make about your child's and your own information.

We are giving you this notice because you are now able to exercise your data protection rights and those of your child. When a child is deemed mature enough to have the capacity to understand and agree to share their personal data, they will be able to exercise their own data protection rights. The GDPR considers this to apply to children from 16 years of age.

If you have any questions about this privacy notice then please contact the GDPR Team: gdprteam@durhamjohnston.org.uk.

Personal information – what is it?

Personal information is information that relates to a living individual who can be identified from that data. Identification can be made by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. The processing of personal data is governed by the General Data Protection Regulation (GDPR) (EU) 2016/679.

Who processes the information?

Durham Johnston is the data controller of the personal information you provide to us. This means the school determines the purposes for which, and the manner in which, any personal data relating to pupils and families is to be processed.

In some cases, your data will be outsourced to a third party processor. However, this will only be done with your consent unless the law requires the school to share your data. Where the school outsources data to a third party processor, the same data protection standards that Durham Johnston School upholds are imposed on the processor.

How and why do we collect and use personal information?

The School's primary reason for using personal information is to provide educational services to the child. We obtain information relating to pupils and their families, and may also receive information regarding them from previous schools, medical professionals, Local Authorities and/or the Department for Education (DfE).

We collect and use personal data in order to meet legal requirement and legitimate interests set out in the Education Act 1996 and the EU general data protection regulation 2016/679 (GDPR) including Article 6 'lawfulness of processing' and Article 9 'Processing of special categories of personal data'.

Our legal grounds for using your information

This section contains information about the legal basis we are relying on when handling your child's information.

Legitimate interests

This means that the processing is necessary for legitimate interests except where the processing is unfair to your child. The School relies on legitimate interests in relation to your child's information.

Specifically, the School has a legitimate interest in:

- Supporting pupil learning;
- Monitoring and reporting pupil progress;
- Providing appropriate pastoral care;
- Assessing the quality of our services;
- Complying with the law regarding data sharing;

In addition your child's personal information may be processed for the legitimate interest of others. For example, we may use information about your child when investigating a formal complaint made by another pupil / parent.

Legal obligation

The school may need to use your child's information in order to comply with a legal obligation, for example to report a concern about your wellbeing to Children's Services. We may also have to disclose your information to third parties such as the courts, the local authority or the police where legally obliged to do so.

Vital interests

For example, to prevent someone from being seriously harmed or killed.

Public interest

The School considers that it is acting in the public interest when providing education.

The School must also comply with an additional condition where it processes special categories of personal information. These special categories include: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information and health information.

Substantial public interest

The processing is necessary for reasons of substantial public interest.

Additional vital interests

To protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.

Legal claims

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers.

Medical purposes

This includes medical treatment and the management of healthcare services.

We may ask for your consent to use your child's information in certain ways. If you give your consent you can withdraw this at any time. Any use of your child's information before you withdraw your consent remains valid.

What data do we collect?

The categories of pupil information that we collect, hold and share include the following:

- Personal information, e.g. names, addresses, contact and next of kin details;
- Personal characteristics, e.g. ethnicity, language, nationality, country of birth, sexuality and free school meal eligibility;
- Medical information;
- Special Educational Needs and Disabilities and Referral information;
- Attendance information, e.g. number of absences and reasons for absences;
- Attainment, Examination & Assessment information to support pupil learning;
- Behavioural information, e.g. number of exclusions;
- Court of Protection/Safeguarding information;
- Photographic images in our schools, on school literature, websites or media;
- CCTV footage at various locations around the school grounds / building.

Whilst the majority of the personal data you provide to the school is mandatory, some is requested on a voluntary basis. When collecting data, the school will inform you as to whether you are required to provide this data or if your consent is needed. Where consent is required, the school will provide you with specific and explicit information with regards to the reasons the data is being collected and how the data will be used.

Who do we share information with?

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

The school is required to share pupils' data with the Department for Education (DfE) and the Education and Skills Funding Agency (ESFA) on a statutory basis. We are required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information about Individual Pupils) (England) Regulations 2013.

National Pupil Database (NPD)

The National Pupil Database (NPD) is managed by the DfE and contains information about pupils in schools in England. Durham Johnston School is required by law to provide information about our pupils to the DfE as part of statutory data collections, such as the school census; some of this information is then stored in the NPD. The DfE may share information about our pupils from the NDP with third parties who promote the education or wellbeing of children in England by:

- Conducting research or analysis
- Producing statistics
- Providing information, advice or guidance

Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requesters must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit: <https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

Youth support services

What is different about pupils aged 13+?

Once our pupils reach the age of 13, we also pass pupil information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent / guardian can request that only their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once they reach the age of 16.

Our pupils aged 16+

We will also share certain information about pupils aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers
- youth support services
- careers advisers

For all students, the school may also routinely share information with:

- Organisations who deal with pupil destinations upon leaving the school
- Multiple Local Authorities
- The Department for Education
- Medical professionals including School Nursing Service
- Higher Education / Further Education Providers
- Organisational partners of Local Authorities
- Third party organisations including Police
- Specialist Provision Providers

How do we keep information secure?

The security of your personal information is important to us. This is why we follow a range of security policies and procedures to control and safeguard access to and the use of your personal information.

How long is personal information stored?

Personal data relating to pupils and their families is stored in line with the school's retention guidelines, in accordance with the GDPR Data Protection Policy.

In accordance with the GDPR, the school does not store personal data indefinitely; data is only stored for as long as necessary to complete the task for which it was originally collected or to meet statutory requirements for data retention.

Is personal information processed outside the European Economic Community (EEC)?

We do not process your personal information outside the EEC as a rule. Should this change we will advise you of this and request any required consents.

What are your information rights?

Parents / carers and pupils have the following rights in relation to the processing of their personal data.

You have the right to:

- Be informed about how your personal data is used;
- Request access to the personal data held;
- Request that your personal data is amended if it is inaccurate or incomplete;
- Request that your personal data is erased where there is no compelling reason for its continued processing;
- Request that the processing of your data is restricted;
- Object to your personal data being processed;
- Request your information be transmitted in a commonly used and machine-readable format to another data controller;
- Not be subject to automated decision-making including profiling.

Where the processing of your data is based on your consent, you have the right to withdraw this consent at any time. To do this you can contact the GDPR Team via: gdperteam@durhamjohnston.org.uk.

You also have the right to request a copy of the personal data the school holds about you. You might not want all of the personal data that the school holds about you and we may be able to respond more quickly if you explain this and identify the specific data you want.

When making a subject access request (SAR), which can be made verbally or in writing, please include the following information:

- Your name and contact details.
- Any details or relevant dates that will help the school to identify what you want.

We are required to respond within 1 month of your request (and up to 2 months beyond this for very exceptional circumstances) if we cannot respond within 1 month we will write to you to tell you this and explain the reason(s) for it, however our aim is to respond to you within 15 days. We may be able to respond more quickly to your request if you contact us via the following email address: gdperteam@durhamjohnston.org.uk.

The school is entitled to satisfy itself as to the identity of the person making the request. The requester must provide evidence of their identity, we will ask you to send or bring in proof of ID including proof of address and a recognised form of photo ID (i.e. passport, driving licence).

IMPORTANT INFORMATION

- If you have any questions or queries about the Privacy Notice then please contact the GDPR Team: gdperteam@durhamjohnston.org.uk.
- If you have a concern about the way Durham Johnston School is collecting or using your personal data, you can raise a concern with our Data Protection Officer. To do this you can contact the DPO via: gdperteam@durhamjohnston.org.uk.
- If your complaint is not resolved to your satisfaction and you wish to make a formal complaint you can contact the Information Commissioner's Office (ICO). The ICO can be contacted on 0303 123 1113, Monday-Friday 9am-5pm.
- This Notice is regularly reviewed. This is to make sure that we continue to protect your privacy. We reserve the right, at all times to update, modify or amend the Notice. We suggest that you review the Notice from time to time to ensure you are aware of any changes, however we will not significantly change how we use information you have already given to us without your prior agreement. The latest version of the Notice can be found at www.durhamjohnston.org.uk.