

Privacy Notice for Parents and Pupils – How we use your information

2022/23

Who are we?

Myton School is the 'data controller'. This means we are responsible for how your personal information is processed and for what purposes.

Myton School is registered as the Data Controller with the Information Commissioner's Office (ICO); Registration Number: Z2780731

You can contact the school as the Data Controller in writing at: enquiries@myton.co.uk.

What is a Privacy Notice?

A Privacy Notice sets out to individuals how we use any personal information that we hold about them. We are required to publish this information by data protection legislation. This Privacy Notice explains how we process (collect, store, use and share) personal information about our pupils and parents.

What is Personal Information?

Personal information relates to a living individual who can be identified from that information. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession.

'Special category' personal information relates to personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

What personal information do we process about pupils and parents?

The pupil and parent information that we collect, hold and share includes (but is not limited to):

- Personal information including a pupil's name, date of birth, unique pupil number and home address
- Characteristics such as ethnicity, language and free school meal eligibility.
- Attendance information such as sessions attended, number of absences and absence reasons.
- Educational information including records of work, assessment results, relevant medical information, details of pupils' special educational needs, exclusions/behavioural information, admissions and appeals data and post-16 learning information.
- Contact information for post 16 students, parents, carers and other relatives, including telephone numbers, home addresses and e-mail addresses.
- Information about a child's home life, where required as part of necessary safeguarding and welfare processes.

Why do we use personal information?

We use pupil data:

- to support pupil learning
- to monitor, forecast and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to safeguard pupils
- to share medical information with health professionals
- to support pupils in their transition to a post 16 provider of education or training

Collecting pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

What are the legal reasons for us to process your personal information?

We are required to process personal information in accordance with data protection legislation and only do so when the law allows us to. The lawful reasons we have for processing personal information are as follows:

1) To comply with the law

We collect and use general purpose pupil information in order to meet certain legal requirements and legal obligations placed upon the school by law. We therefore are required to process personal information for such purposes even if you have not consented to us doing so.

Details of the type of processing that we must undertake, the personal data that is processed, the legislation which requires us to do so and who we may share this information with is set out in Table 1.

If you would like a copy of or further information regarding the statutory authorities that underpin our legal obligations, you should contact the school in writing.

2) To protect someone's vital interests

We are able to process personal information when there is an emergency and/or where a person's life is in danger.

Details of the type of processing that we may undertake on this basis and who we may share this information is set out in Table 2.

3) With the consent of the individual to whom that information 'belongs'

Whilst much of the personal information processed is in accordance with a legal requirement, there is some personal information that we can only process when we have your consent to do so. In these circumstances, we will provide you with specific and explicit information regarding the reasons the data is being collected and how the data will be used.

4) To perform a public task

It is a day-to-day function of the school to ensure that children receive the education and support they require. Much of this work is not set out directly in any legislation but it is deemed to be necessary in order to ensure that pupils are properly educated and supported.

Details of the type of processing that we may undertake on this basis and who we may share that information is set out in Table 4.

In certain circumstances, an individual has the right to object to any processing where it is likely to cause or is causing harm or distress. To exercise this right, individuals should do so by contacting the school to inform them of their reasons for the objection. These reasons should relate to your specific circumstances. Upon receipt of an objection, the school will consider the reasons for the objection and balance this against the legitimate grounds to process data.

5) We have a legitimate interest

Occasionally we have reasons to process information which fall outside of our usual day-to-day school functions. Details of the type of processing that we may undertake on this basis are set out in Table 5.

In certain circumstances an individual has the right to object to any processing where it is likely to cause or is causing harm or distress. To exercise this right, individuals should do so by contacting the school to inform them of their reasons for the objection. These reasons should relate to your specific circumstances. Upon receipt of an objection, the school will consider the reasons for the objection and balance this against the legitimate grounds to process data.

Special category personal information

In order to process 'special category' data, we must be able to demonstrate how the law allows us to do so. In addition to the lawful reasons above, we must also be satisfied that ONE of the following additional lawful reasons applies:

- 1) Explicit consent of the data subject
- 2) Processing relates to personal data which is manifestly made public by the data subject
- 3) Necessary for establishing, exercising or defending legal claims
- 4) Necessary for reasons of substantial public interest
- 5) Necessary for preventive or occupational medicine, or for reasons of public interest in the area of public health
- 6) Necessary for archiving, historical research or statistical purposes in the public interest

The lawful reasons for each type of special category personal information data that we process is set out in the tables attached.

Who might we share your information with?

We routinely share pupil information with:

- Myton staff
- Governors
- A number of in school systems/programmes including (but not limited to): MINT, GCSE Pod, Kaboodle, Dr Frost, Inventory, Accelerated Reader, ParentPay, Cunningham's, Cashless Catering, BioStore, Show My Homework, SISRA, ALPS, My Maths, My Tutor, CPOMS, Wheelers Books, Compass +, GL Assessment, Pixel, SAM Learning and SPARX
- LIF
- Schools that the pupils attend after leaving us
- Exam Boards
- OFSTED
- Our local authority
- The Department for Education (DfE)
- School nurse
- Police (upon legitimate request)
- UCAS
- ABP/Alternative Provision Providers
- Colleges/ Universities
- Public Health and other public health agencies

- Youth Support
- Information management software: SIMS, Wonde
- Conferencing software for homework and home learning: Microsoft Teams, Loom, MSOffice 365
- Other education agencies
- Compass Plus (The careers and enterprise company)

We regularly share information with Prospects who carry out a service on behalf of Warwickshire County Council. Warwickshire County Council has a responsibility to ensure the continued education and training of all persons under the age of 18 years within the local authority area. The law states that education establishments must share certain information in order for local authorities to carry out this duty. Individuals can opt out of the sharing of certain information. Should individuals object to the sharing of this information, they should inform the school of their objections.

We do not share information about our pupils or parents unless the law and our policies allow us to do so.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

What do we do with your information?

All personal information is held in a manner which is compliant with data protection legislation. Personal information is only processed for the purpose it was collected. The school monitors the personal information it processes and will only share personal information with a third party if it has a legal basis to do so (as set out above).

How long do we keep your information for?

In retaining personal information, the school complies with the Retention Schedules provided by the Information Record Management Society as part of our Records Management Policy. The schedules set out the Statutory Provisions under which the school are required to retain the information. A copy of those schedules can be located as follows:
<https://irms.org.uk/page/SchoolsToolkit>

Transferring data internationally Where we transfer personal data to a country outside of the UK, we will do so with the appropriate safeguards in place in accordance with data protection law.

What are your rights with respect of your personal information?

Under data protection law, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information contact the School Data Protection Officer at Warwickshire Legal Services via email at schooldpo@warwickshire.gov.uk or alternatively;

School Data Protection Officer
Warwickshire Legal Services
Warwickshire County Council
Shire Hall
Market Square
Warwick
CV34 4RL

****Please ensure you specify which school your request relates to.**

You can also contact the school directly on enquiries@myton.co.uk.

In certain circumstances where the school processes data for the purposes of legitimate interests or to fulfil their public task, individuals have a right to object to the processing where it is likely to cause, or is causing, harm or distress. When exercising this right, individuals should contact the school/academy trust to inform them of their reasons for their objection. The school/academy trust will consider the reasons for any objection and assess the risk to the individual against the purposes for the processing. In the event the school is unable to comply with an objection, we will ensure we can demonstrate compelling legitimate grounds to continue with the processing.

Where the school processes data for the purposes of legitimate interests or to fulfil their public task, individuals have a right to object to the processing where it is likely to cause, or is causing, harm or distress. When exercising this right, individuals should contact the school to inform them of their reasons for their objection. The school will consider the reasons for any objection and assess the risk to the individual against the purposes for the processing. In the event the school is unable to comply with an objection, we will ensure we can demonstrate compelling legitimate grounds to continue with the processing.

You also have the right to:

- prevent processing for the purpose of direct marketing;
- object to decisions being taken by automated means;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

Review

The content of this Privacy Notice will be reviewed in September 2023

Table 1 – Personal information we are required to process to comply with the law:

| Information Type | Relevant legislation | Special Category– additional lawful reason | Third Parties with whom we share the information | Lawful reason for sharing |
|---|--|---|---|---------------------------|
| Special Education Needs Report | Children’s and Families Act 2014, section 69 | | Local Authority | Legal Obligation |
| Attendance register | Education (Pupil Registration)(England) Regulations 2006, Regulation 4, 10, 11 and 12 | | OFSTED, Local Authority, SIMS | Legal Obligation |
| Safeguarding information | Education Act 2002, section 175 Children’s Act 1989, Section 17, 47, 83. Children’s Act 2004, Section 11 | | Local Authority | Legal Obligation |
| Admissions Register | Education (Pupil Registration)(England) Regulations 2006, Regulation 4, 10, 11, 14 and 15 | | OFSTED, Local Authority | Legal Obligation |
| Curricular Record including Assessment and achievement data | The Education (Independent School Standards) Regulations 2014, regulation 32(f) | | OFSTED, Local School. Local Authority, SIMS | Legal Obligation |
| Educational Record | | | Parents, Local school, SIMS | Legal Obligation |
| Pupil Information i.e. name, age address, Emergency contact details | Education (Information About Individual Pupils) (England) Regulations 2013, Regulation 5 | | Department of Education – school census. Other schools – when pupil’s transfer SIMS, Youth Support Services | Legal Obligation |
| Medical / Dietary / allergies | | Necessary for preventative or occupational medicine | Department of Education – school census. Other schools – when pupil’s transfer SIMS | Legal Obligation |
| School Census | Education Act 1996, Sections 537 & 537A, and accompanying regulations | | Department of Education | Legal Obligation |

Table 2 – Personal information we are required to process as it is necessary to protect someone’s vital interests

| Information Type | Special Category - additional lawful reason | Third Parties with whom we share the information | Lawful reason for sharing |
|---------------------|--|--|---------------------------|
| Medical Information | Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally | Medical staff i.e. paramedics/ambulance SIMS | Vital Interest |

| | | | |
|------------------|---|---|----------------|
| | incapable of giving consent' | | |
| Religious belief | Necessary to protect vital interests of the data subject or another person where the data subject is physically or legally incapable of giving consent' | Medical staff i.e. paramedics/ambulance SIMS | Vital Interest |

Table 3 - Personal information we are required to process with the consent of the individual to whom that information 'belongs'

| Information Type | Special Category - additional lawful reason | Third Parties with whom we share the information | Lawful reason for sharing |
|------------------|---|--|---------------------------|
| Photographs | | Government agencies, e.g. Department for Education SIMS | Consent |
| Email address | | Not shared | |

Table 4 - Personal information we are required to process because it is necessary to do so in order to perform a public task – please note that the right to object will apply to this processing, please see the section above that refers to *“What are your rights with respect of your personal information?”*

| Information Type | Special Category - additional lawful reason | Third Parties with whom we share the information | Lawful reason for sharing |
|---|--|---|---------------------------|
| Pupil Information i.e. name, age address, Post 16 Student Contact Information, Parent details, contact details, student ethnicity, gender | Necessary for archiving, research and statistics | Department of Education – school census. Other schools – when pupils transfer SIMS, MS Teams, Compass +, SPARX, Public Health and other public health agencies | Public Task |
| Academic Progress data including Leuven data, Learning journals, staff observations | | OFSTED, Parents, Health such as Speech and Language SIMS | Public Task |
| Safeguarding information, Medical, Special Education Needs | Necessary for archiving, research and statistics | Local Authority, Health, Parents SIMS, Compass + | Public Task |
| Educational and Safeguarding Information used internally for the purpose of educating and protecting the welfare of children. | | | |
| Common Transfer file | Education (Pupil Registration)(England) Regulations 2005, Regulation 6 | School pupil transfers to | Public Task |

Table 5 – Personal information we process because we have a legitimate interest

| Information Type | Special Category – additional lawful reason | Third Parties with whom we share the information | Lawful reason for sharing |
|------------------------------------|---|--|---------------------------|
| Images captured on our CCTV system | n/a | This is not shared routinely | n/a |