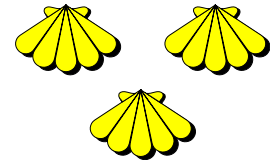


High Wych CE Primary School

Founded in 1861



PRIVACY NOTICE FOR PARENTS / CARERS OF PUPILS ATTENDING HIGH WYCH CE PRIMARY SCHOOL – Sept 2020

High Wych CE Primary School collects data and information about parents / carers of our pupils so that we can operate effectively as a school. This privacy notice explains how and why we collect parent / carer data, what we do with it and what rights parents have.

The term “parent” is widely defined in education law to include the natural or adoptive parents (regardless of whether parents are or were married, whether a father is named on a birth certificate or has parental responsibility for the pupil, with whom the pupil lives or whether the pupil has contact with that parent), and also includes non-parents who have parental responsibility for the pupil, or with whom the pupil lives. It is therefore possible for a pupil to have several “parents” for the purposes of education law. This privacy notice also covers other members of pupils’ families who we may process data about from time to time, including, for example, siblings, aunts and uncles and grandparents.

High Wych CE Primary School collects a lot of data and information about our pupils so that we can run effectively as a school. This privacy notice explains how and why we collect pupils’ data, what we do with it and what rights parents and pupils have.

Privacy Notice (How we use parent / carer information)

High Wych CE Primary School is a Voluntary Controlled Church of England Primary School within Hertfordshire and are part of the St Albans Diocese. Our Data Protection Officer is Mark Brocklehurst who can be contacted at admin@highwych.herts.sch.uk (mark confidential - fao DPO)

Privacy Notice - Why do we collect and use parent / carer information?

We collect and use parent / carer information under the following lawful bases:

- where we have the consent of the data subject (Article 6 (a));
- where it is necessary for compliance with a legal obligation (Article 6 (c));
- where processing is necessary to protect the vital interests of the data subject or another person (Article 6(d));
- where it 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 (Article 6 (e)).

Where the personal data we collect about parents / carers is sensitive personal data, we will only process it where:

- we have explicit consent;
- processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and / or
- processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, where we respect the



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essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Please see our Data Protection Policy for a definition of sensitive personal data.

We use the parent / carer data to support our functions of running a school, in particular:

- to decide who to admit to the school;
- to maintain a waiting list;
- to support pupil learning;
- to monitor 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;
- for the protection and welfare of pupils and others in the school, including our safeguarding / child protection obligations;
- for the safe and orderly running of the school;
- to promote the school;
- to send you communications that may be of interest to you which may include information about school events or activities, news, campaigns, appeals, other fundraising activities;
- in order to respond to investigations from our regulators or to respond to complaints raised by our stakeholders;
- in connection with any legal proceedings threatened or commenced against the school.

The categories of parent / carer information that we collect, hold and share include:

- a. Personal information (such as name, address, telephone number and email address);
- b. Information relating to your identity, marital status, employment status, religion, ethnicity, language, medical conditions, nationality, country of birth and free school meal / pupil premium eligibility / entitlement to certain benefits, information about court orders in place affecting parenting arrangements for pupils);
- c. child protection / safeguarding information,

From time to time and in certain circumstances, we might also process personal data about parents / carers, some of which might be sensitive personal data, information about criminal proceedings / convictions or information about child protection / safeguarding. This information is not routinely collected about parents / carers and is only likely to be processed by the school in specific circumstances relating to particular pupils, for example, if a child protection issue arises or if a parent / carer is involved in a criminal matter. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and / or the Police. Such information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

We collect information about parents / carers before pupils join the school and update it during pupils' time on the roll as and when new information is acquired.

Collecting parent / carer information

Whilst the majority of information about parents / carers provided 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 parent / carer



information to us or if you have a choice in this. Where appropriate, we will ask parents / carers for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to ask your permission to use your information for marketing purposes or to request voluntary contributions. Parents / carers may withdraw consent given in these circumstances at any time.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and pupils which currently will not record and be stored but may in the future. CCTV footage may be referred to during the course of disciplinary procedures (for staff or pupils) or investigate other issues. CCTV footage involving parents / carers will only be processed to the extent that it is lawful to do so.

Storing parent / carer data

A significant amount of personal data is stored electronically, for example, on our database, SIMS. Some information may also be stored in hard copy format.

Data stored electronically may be saved on a [cloud] based system which may be hosted in a different country.

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements. Details of retention periods for different aspects of your personal information are available in our Data Retention Policy which is available from Information Management Toolkit. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a parent / carer we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

Who do we share parent / carer information with?

We routinely share parent / carer information with:

- schools that pupils attend after leaving us;

From time to time, we may also share parent / carer information other third parties including the following:

- our local authority- Hertfordshire
- a pupil's home local authority (if different);
- the Department for Education (DfE);
- school governors / trustees;
- the Police and law enforcement agencies;
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers;
- Courts, if ordered to do so;



- the Teaching Regulation Authority;
- Prevent teams in accordance with the Prevent Duty on schools;
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances;
- Diocesan Officers at the Diocese of St Albans for the purposes of receiving educational support;
- the Diocesan Board of Education for the purposes of receiving educational support;
- our legal advisors;
- our insurance providers / the Risk Protection Arrangement;

Some of the organisations referred to above are joint data controllers. This means we are all responsible to you for how we process your data.

In the event that we share personal data about parents / carers with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

Requesting access to your personal data

Under data protection legislation, parents / carers have the right to request access to information about them that we hold (“Subject Access Request”). To make a request for your child’s personal data, or be given access to your child’s educational record, contact the DPO at admin@highwych.herts.sch.uk although any written request for personal data will be treated as a Subject Access Request.

The legal timescales for the School to respond to a Subject Access Request is one calendar month. As the School has limited staff resources outside of term time, we encourage parents / carers to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible.

No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress;
- 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 our data protection responsibilities.

RIGHT TO WITHDRAW CONSENT

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact admin@highwych.herts.sch.uk fao DPO. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

DATA PROTECTION OFFICER

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO Mark Brocklehurst at admin@highwych.herts.sch.uk . You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

Privacy Notice Coronavirus Test and Trace

The development of the NHS Test and Trace scheme is a key part of the government's plan to manage Coronavirus. As a private individual, compliance with the scheme may be optional, so that an individual cannot be forced to provide details when visiting some types of establishments. However, schools are public authorities and have a legal duty to protect and promote the welfare of pupils, as well as a duty of care to staff. We are required to manage confirmed cases of coronavirus (COVID-19) amongst the school community to contain any outbreak by engaging with the NHS Test and Trace process and by following local health protection team advice. If a person in a school has COVID-19 or symptoms of the virus they will be sent home, as will other people in school who have had contact with this individual and who may be at risk. In a school setting, it is unlikely that any one individual will know the details of others around them who may have been affected. It is only the school that will have that data. We would notify individuals about a risk, and in many instances that will be sufficient.

However, the Department for Education guidance says:

'As part of the national test and trace programme, if other cases are detected within the child or young person's cohort or in the wider education or childcare setting, Public Health England's local Health Protection Teams will conduct a rapid investigation and will advise schools and other settings on the most appropriate action to take.'

If a case or suspected case of Coronavirus arises in our school then it may be necessary for us to share contact data of employees, pupils/students, contractors or visitors with NHS Test and Trace workers in order to make the process as effective as possible. Although at no point will we share data without a sound legal basis, in this situation it is not a matter of giving consent to share data, as there is a Public Duty to do so. This data will usually only consist of names and contact details, e.g. email address and/or telephone number.

We will therefore be sharing data on the basis that this is a Public Duty and, in the case of any health data, that it is necessary for the public interest, as set out below. It will only be used and



retained in line with national guidelines and the applicable data protection laws. Where data needs to be shared we will:

- only share data with the relevant authorities
- verify the identity of persons requesting personal data
- limit the data shared to the minimum necessary
- ensure the data is kept secure, and only share via secure methods
- keep a record of the data shared, under the strictest confidence
- notify any individuals whose data has been shared (where possible)

NHS Test and Trace and the Law

The law on protecting personally identifiable information, known as the General Data Protection Regulation (GDPR), allows Public Health England to use the personal information collected by NHS Test and Trace. The section of the GDPR that applies is:

Article 6(1)(e) – *‘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:

Article 9(2)(i) – *‘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. This is known as ‘Section 251’ approval and includes the use of the information collected by NHS Test and Trace to help protect the public from coronavirus. The part of 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.

The privacy notice for the service can be found here:

<https://contact-tracing.phe.gov.uk/help/privacy-notice>

Rights of Data Subjects in relation to their personal data

Any data subject has the right to request access to personal data that we hold about them. To make a request for access to their personal data, individuals should contact our DPO.

Individuals also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- 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

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with our DPO in the first instance. You can also contact the Information Commissioner’s Office, if necessary, at <https://ico.org.uk/concerns/>

This Privacy Notice should be read alongside the other GDPR and Data Protection documents on our website.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact: the DPO

