



Learn-AT
Learning ~ Fellowship

Privacy Notice for Pupils, Parents and Carers

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Please note that this policy supersedes and replaces any equivalent policies or sections of policies. This policy is non contractual and can therefore be amended without consultation. Before you use this policy, please check you have the latest version using the footer reference and Learn-AT Policy Index.

This policy applies to all Learn Academies Trust schools and should be read in conjunction with the latest associated guidance issued by Learn-AT.

1. Who are we?

- 1.1. Learn Academies Trust is the 'data controller'. This means we are responsible for how your personal information is processed and for what purposes.
- 1.2. Learn Academies Trust is registered as the Data Controller with the Information Commissioner's Office (ICO); Registration Number: ZA244768
- 1.3. You can contact the Academy Trust as the Data Controller in writing at: School Lane, Lubenham, Leicestershire, LE16 9TW or office@learnat.uk

2. What is a Privacy Notice?

- 2.1. 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.

3. What is Personal Information?

- 3.1. 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.
- 3.2. '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.

4. What personal information do we process about pupils and parents?

- 4.1. The pupil and parent information that we collect, hold and share includes:
 - Personal information including a pupil's name, date of birth, unique pupil number, home address
 - 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.
- Contact information for 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.
- Details of any support received, including care packages, plans, and support providers.
- Bank details
- Details of your family circumstances
- Details of any safeguarding information including court orders or professional involvement
- Records of your correspondence and contact with us
- Details of any complaints you have made

4.2. 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
- Data about your use of the school's information and communications system, including Microsoft Teams for remote education
- Video images of pupils, parents and carers captured during recorded online lessons, meetings and events and stored securely within the Microsoft Teams digital platform.

5. Why do we use personal information?

5.1. We use pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to protect pupil welfare

- 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 administer admissions waiting lists
- to carry out research
- to keep you informed about the running of the school (such as emergency closures) and events
- to process payments for school services and clubs
- to comply with our legal and statutory obligations

Why we require your National Insurance number

5.2. To ascertain your eligibility for obtaining additional funding for the school.

Use of your or your child's personal data for marketing purposes

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

5.4. You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by contacting us (see 'Contact us' below).

Use of your child's personal data in automated decision-making and profiling

5.5. 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.

6. Collecting pupil information

6.1. 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 UK 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.

6.2. Most of the data we collect in relation to parents and pupils will come direct from the parent or pupil. However, we may also hold data relating to you and/or your child that has come from:

- Local authorities
- Government departments or agencies
- Police force, courts, tribunals

- External support services

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

7.1. 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:

- The 'public task' basis – we need to process data to fulfil our statutory function as an education provider responsible for the care of children and the provision of education as set out below,

and

- The 'legal obligation' basis – we need to process data to meet our responsibilities under law as set out in legislation and legal documents listed here:
 - Childcare Act 2006 (Section 40 (2) (a))
 - The Education Reform Act 1988
 - Education (Independent School Standards) Regulations 2014
 - Further and Higher Education Act 1992,
 - Education Act 1994; 1998; 2002; 2005; 2011
 - Health and Safety at Work Act 2015
 - Safeguarding Vulnerable Groups Act 2006
 - Coronavirus Act 2020 – Provision of Remote Education Temporary Continuity Direction
 - Working together to Safeguard Children Guidelines (DfE)
 - Keeping Children Safe in Education 2020
 - Learn-AT Articles of Association
 - Learn-AT Funding Agreement

To comply with the law

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

7.3. 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.

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

To protect someone's vital interests

7.5. We are able to process personal information when there is an emergency and/or

where a person's life is in danger.

- 7.6. 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 2.

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

- 7.7. 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.
- 7.8. 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 3.

To perform a public task

- 7.9. It is a day-to-day function of the Trust 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
- 7.10. 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.

We have a legitimate interest

- 7.11. 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.

8. Special category personal information

- 8.1. 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:
- a. Explicit consent of the data subject
 - b. Processing relates to personal data which is manifestly made public by the data subject
 - c. Necessary for establishing, exercising or defending legal claims
 - d. Necessary for reasons of substantial public interest
 - e. Necessary for preventive or occupational medicine, or for reasons of public interest in the area of public health
 - f. Necessary for archiving, historical research or statistical purposes in the public interest

8.2. 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 UK 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

9. Who might we share your information with?

We do not share information about you 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 pupils with:

- Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions
- The Department for Education
- The pupil's family and representatives
- Educators and examining bodies
- Regulatory Bodies (Eg Ofsted)
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as Arbor, My Concern, ParentPay
- Financial organisations
- Central and local government
- 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
- Professional bodies

The reason we collect the data is because it is mandatory in order to perform our duties as an Educational Provider.

- 9.2. We do not share information about our pupils or parents unless the law and our policies allow us to do so.
- 9.3. Please refer to the tables for information about what personal information is shared with which specific third parties.

10. Data collection requirements:

- 10.1. 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>.

11. What do we do with your information?

- 11.1. 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 trust 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).
- 11.2. We have security measures in place to prevent your and your child's information from being accidentally lost, used, or accessed in an authorised way, altered, or disclosed.

12. How long do we keep your information for?

- 12.1. In retaining personal information, the trust complies with the Retention Schedules provided by the Information Record Management Society. The schedules set out the Statutory Provisions under which the trust is required to retain the information.
- 12.2. A copy of those schedules can be located using the following link: <http://irms.org.uk/page/SchoolsToolkit>

13. Transferring data internationally

- 13.1. 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.

14. What are your rights with respect of your personal information?

- 14.1. 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, or to have access to your child's educational record, contact the school data protection lead (usually the Headteacher) or the School Data Protection Officer at Warwickshire Legal Services via email at schooldpo@warwickshire.gov.uk or

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.

- 14.2. **In certain circumstances** where the trust 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/academy trust is unable to comply with an objection, we will ensure we can demonstrate compelling legitimate grounds to continue with the processing.
- 14.3. Where the trust processes your information with your consent, you have the right to withdraw your consent at any time. To exercise this right, please contact the trust at office@learnat.uk
- 14.4. 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
- 14.5. 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/>