



**Moat Farm Infant School and Lavender Farm Nursery and
Lavender Farm Nursery
Privacy Notice**

PRIVACY NOTICE (HOW WE USE CHILDREN INFORMATION)

THE CATEGORIES OF CHILDRENS INFORMATION THAT WE COLLECT, HOLD AND SHARE INCLUDE:

- Personal information (such as name, date of birth, unique children number and address, registration group including admission number, class reports, eligibility for PPG funding, siblings, gender, school history and children's work)
- Safeguarding concerns and welfare details
- Characteristics (such as ethnicity, religion, language, nationality, country of birth and free school meal eligibility, National Insurance details, INA status – Asylum Seeker, Refugee, Economic Migrant, Looked After Child, Adopted and SGO children, how children travel to school, the child's personality and traits)
- Medical information (Doctors name and address, allergies and dietary needs, plus any care plan a child may have)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information relating to academic progress, children attainment and educational performance in general and any interventions received
- Special Educational Needs or Disabilities information
- Behavioural information including exclusions
- Information from Early Years providers
- Parent/Carer information (such as name, address, contact details, parent access rights, records of meetings with parents)
- Details of other family members, collection authorisations including collection password, adoption information if applicable, details of family members with SEND

WHY WE COLLECT AND USE THIS INFORMATION

Moat Farm Infant School and Lavender Farm Nursery holds the legal right to collect and use personal data relating to children and their families, and we may also receive information regarding them from their previous school, LA and/or the DfE.

We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK law, including those in relation to the following:

- Article 6 and Article 9 of the GDPR
- Education Act 1996
- Regulation 5 of The Education (Information About Individual Children) (England) Regulations 2013

We use the children data:

- to support children learning
- to monitor and report on children progress
- to provide appropriate pastoral care
- to work with agencies supporting children safeguarding
- to assess the quality of our services
- to comply with the law regarding data sharing
- to provide support for children with special learning needs or disabilities
- to comply with all statutory data returns to the DfE and their partner organisations
- to qualify the child is eligible of funding and to calculate funding
- to provide data to the local authority as required statute or by current contracts, service level agreements or data sharing agreements with the local authority
- to inform next educational providers and/or employers of relevant children performance and contextual information

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THE LAWFUL BASIS ON WHICH WE USE THIS INFORMATION

We use information about children and young people to enable us to carry out specific functions for which we are responsible. We also use this personal data to derive statistics which inform decisions we make regarding the running of the school, the curriculum, safeguarding and to assess children outcomes. The lawful basis is as follows (Article 6):-

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- 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;
- Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

And (Article 9)

- 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

WE COLLECT AND USE CHILDREN INFORMATION UNDER RESPONSIBILITIES SET OUT WITHIN:-

- Education Act 2002 Section 33
- Education Act 1996
- Children and Families Act 2014 (SEND Reforms)
- Childcare Act 2006
- The Early Years and Foundation Stage Order 2007
- The Education and Skills Act 2008
- The Apprenticeship, Skills, Children and Learning Act 2009
- Equality Act 2010
- Children Act 1989
- Adoption and Children Act 2002
- Children and Young Persons Acts 1963 (Regs 1968)
- Education (Governors Annual Reports – England) (Amendment) Regulations 2002 SI 2002 No 1171
- School Standards and Framework Act 1998 and Academies Act 2010
- Schools Admissions Code Statutory Guidance for admission authorities, governing bodies, local authorities, school adjudicators and admission appeals panels December 2014
- Schools Admission Appeals Code February 2012 Statutory guidance for school leaders, governing bodies and local authorities.
- School attendance: Department advice for maintained schools, academies, independent schools and local authorities November 2016
- DBS Update Service Guide June 2014
- Keeping Children Safe In Education – Statutory Guidance Sept 2016
- ‘Working Together to Safeguard Children’ - A guide to interagency working to safeguard children – March 2015

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- An employer’s right to work checks (Home Office May 2015)
- Limitation Act 1980 (section 2)
- Social Security (Claims and Payments) Regulations 1979 Regulation 25. Social security administration Act 1992 Section 8. Limitation Act 1980
- COSHH Regulations 2002. SI 2002 No 2677 Regulation 11; Records kept under the 1994 and 1999 Regulations to be kept as if the 2002 Regulations had not been made. Regulation 18
- Control of asbestos at work regulations 2012 SI 1012 No632 Regulation 19
- The Education (Children Information) (England) Regulations 2005 SI 2005 No 1437
- Education Act 1996. Special Educational Needs and Disability Act 2001 Section 1.
- Outdoor Education Advisers Panel National Guidance Section 3 – Legal Framework and Employer Systems and Section 4 – Good Practice

The submission of the school census returns, including a set of named children records, is a statutory requirement on schools under Section 537A of the Education Act 1996. This means that schools do not need to obtain parental or children consent to the provision of information and ensures schools are protected from any legal challenge that they are breaching a duty of confidence to children.

COLLECTING CHILDREN INFORMATION

Whilst the majority of children 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 children information to us or if you have a choice in this.

STORING CHILDREN DATA

We hold children and young person’s data for various periods of duration as determined by School’s Retention Policy.

WHO WE SHARE CHILDREN INFORMATION WITH

We routinely share children information with:

- schools that the children’s attend after leaving us
- our local authority
- the Department for Education (DfE)
- school governors
- providers of alternative educational provision
- school nurse
- local health trust and their commissioned health services
- Police

During this academic year we will share information with the following 3rd party’s:

- Premier Sports (sports provider)
- Rocksteady (music provider)
- Music Basket (music provider)
- Dolce (catering provider)

We will inform parents of any additions or changes to the above list.

WHY WE SHARE CHILDREN INFORMATION

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

We share children's data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We share children's data with the local authority to allow them to carry out statutory duties including the identification of children missing education, and to ensure that all children get a suitable education, in line with sections 436A and 437 of the Education Act 1996. The local authority also has responsibilities around the identification of children with special educational needs as identified in section 22 of the Children and Families Act 2014.

We also share children's data with the Local Authority for the purposes of comparative data analysis and to enable the provision of services by the Local Authority as defined in the current contracts, Service Level Agreements or data sharing agreements.

We are required to share information about our children with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information about Individual Children) (England) Regulations 2013.

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>.

THE NATIONAL CHILDREN DATABASE (NPD)

The NPD is owned and managed by the Department for Education and contains information about children in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our children to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Children) (England) Regulations 2013.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-children-database-user-guide-and-supporting-information>.

The department may share information about our children from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and 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 children information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided children information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-children-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

REQUESTING ACCESS TO YOUR PERSONAL DATA

Under data protection legislation, parents and children have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact **Alan Care (School Business Manager)**

You also have the right to:

- be informed about how Moat Farm Infant School and Lavender Farm Nursery uses your personal data.
- 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 Data Protection regulations
- where the processing of your data is based on your consent, you have the right to withdraw this consent at any time.

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

CONTACT

If you would like to discuss anything in this privacy notice, please contact Alan Care (School Business Manager)