



Privacy Notice

Benton Park School

How we use student and parent/carer information

We take your data protection rights and our legal obligations seriously. Your personal data will be treated in a secure and confidential manner and will only be used as set out below or otherwise notified to you in writing. Being transparent and providing accessible information to individuals about how we use personal information is a key element of the General Data Protection Regulation (GDPR). The most common way to provide this information is in a privacy notice.

Data Controller

A Data Controller is an individual or organisation that determines the purpose and means of processing personal data.

Benton Park School is registered as the data controller with the Information Commissioners Office (registration number: Z4649782)

We have a Data Protection Officer (DPO) who is responsible for monitoring our compliance with data protection law. You may contact the School's Data Protection Officer securely and confidentially at any time if you have any concerns about the processing of your personal data or any data protection issue. Contact details for all aspects of data protection are provided at the end of this privacy notice.

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

- Personal information of students (such as student name, address, contact details, unique pupil number, date of birth, photograph)
- Personal Information of parents/carers (such as name, address, telephone numbers, emails addresses, nominated third party emergency contact details)
- Characteristics and special category information where permitted by law (such as ethnicity, home and preferred language, English as an additional language status, gender, previous

school history, pupil premium status, service children indicators, nationality, country of birth and free school meal eligibility)

- Safeguarding and child protection information (such as records of concerns, referral records, internal and external meeting records, internal and external support records, disclosure records, digital monitoring, emails and CCTV)
- Records relating to Looked After Children including records of reviews, personal education plans and EHCP plans, emails, meetings with carers and external professionals.
- Records relating to children who have Special Educational Needs or Disabilities including student passports, intervention arrangements, reasonable adjustments, care plans, EHCP, emails and meetings with parents/carers and external professionals.
- Attendance information (such as sessions attended, number of absences and absence reasons, attendance letters, attendance call logs and attendance notifications)
- Assessment information
- Medical conditions including consent forms and medication administration logs
- Health and Safety information (such as records of accidents, injuries and incidents, risk assessments, records in relation to insurance claims)
- Behaviour and exclusions records including emails, pastoral statements regarding incidents, records relating to care and control incidents
- Education/school history
- Student reference information relating to the college and university admission process.
- Siblings information
- Information and consent forms related to extra-curricular activities including School visits
- Records of understanding and compliance with school policies including ICT Acceptable Use and Home / School Agreement
- Financial and operational information related to payment systems such as ParentPay.
- Biometric finger scan of students related to cashless catering and other biometric systems such as Library Management

Why we collect and use this information

We collect and use the data we collect:

- To meet our statutory requirements under the Education Act, Working Together to Safeguard Children and/or Keeping Children Safe in Education
- To ensure we manage our performance and responsibilities in performing a public duty
- To comply with the law regarding data sharing
- To support student learning
- To monitor and report on student progress
- To provide appropriate pastoral care
- To assess the quality of our services
- To safeguard students and adults

The lawful basis on which we use this information

On the 25th May 2018 the Data Protection Act 1998 will be replaced by the General Data Protection Regulation (GDPR). The condition for processing information for students and

parents/carers under the GDPR will include us having a lawful reason to process the information. The lawful bases for processing are set out in Article 6 of the GDPR and in our case these include:

1. **(c) Legal obligation:** the processing is necessary for us to comply with the law (not including contractual obligations).
2. **(e) Public task:** the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.
3. **(f) Legitimate interests:** the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.
4. **(a) Consent:** the individual has given clear consent for us to process their personal data for a specific purpose.

The Education Act 1996 - Section 537A – states that we provide individual pupil information as the relevant body such as the Department for Education.

Children's Act 1989 – Section 83 – places a duty on the Secretary of State or others to conduct research.

Special Category Data

Special category data is personal data which the GDPR says is more sensitive, and so needs more protection. In order for us to lawfully process special category data, we need to identify both a lawful basis (see above) and a separate condition for processing special category data.

In our case we will use the following conditions from Article 9 of the GDPR:

a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

(g) 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, respect the 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;

Collecting student information

Whilst the majority of student 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 student information to us or if you have a choice in this. Where you have a choice, consent will be sought and this consent can be withdrawn at any time.

In some circumstances, data may be collected indirectly from monitoring devices or by other means (for example, building access control and monitoring systems, CCTV, telephone logs, email and IT access logs). In these circumstances, the data may be collected by the school or a third party provider of the relevant service. This type of data is generally not accessed on a

routine basis but access is possible. Access may occur, for instance, in situations where the school is investigating possible breaches of school policies. More frequent access to such data may be as part of our digital monitoring software.

As part of our safeguarding requirements, we also collect from parents/carers personal details of third parties, notably dependents and other family members. Before parents/carers provide such third party personal data to the school you must inform these third parties of any data which you intend to provide to the school and why the school will process this data.

Retention of Data

We hold student data for the duration of time each the child remains a student of Benton Park School.

Once a student leaves Benton Park School, we retain the Educational Record until the 25th birthday. Records relating to Child Protection matters are retained until the 25th birthday and then the information is reviewed for relevance. If required it is retained for a longer period of time.

Other information is retained in line with a retention schedule, a copy of which can be found at <https://tinyurl.com/yazpqu2u>

Records relating to accident/injury at School will be retained for 12 years following the date of the incident.

Information will be securely destroyed once the retention period has elapsed.

Who we share information with

We routinely share student information with:

- Any school which the student transfers to, after leaving Benton Park School
- The Local Authority
- The Department for Education (DfE)
- The Education Skills Funding Agency
- NHS/school nurse
- Third party professional services i.e. Social Services, Social Care Teams, Extended Services
- Other Schools and educational providers in respect of managed moves, transfers and alternative provision
- Third Party Companies with whom we have a contract to provide a service, which is for the educational benefit of the school and its students. Any such company is required to comply fully with all aspects of the GDPR.

Why we share information

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

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

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

Where these third parties act as a "data processor" they carry out their tasks on our behalf and upon our instructions for the above mentioned purposes. In this case, personal data will only be disclosed to these parties to the extent necessary to provide the required services.

In addition, we may share personal data with national authorities in order to comply with a legal obligation to which we are subject. This is for example the case in the framework of imminent or pending legal proceedings or a statutory audit.

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 Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about students 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 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 law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

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

The department may share information about our students 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 student 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 student information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

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

Rights relating to personal data

Under data protection legislation, parents and students 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, please contact Mrs N Dewhirst – Data Officer.

Children have the same rights as adults over their personal data. These include the rights to access their personal data; request rectification; object to processing and have their personal data erased. Where parents/carers request data on behalf of their child we will always consult with, and take into consideration the wishes of the child in terms of what is released. Where they are deemed to have sufficient capacity their decision in respect of such requests will be given considerable weight unless other factors such as safeguarding, health or legislation makes it necessary to override this.

When a student reaches the age of 16¹, we would give them responsibility for consenting to use of their data. It may still be appropriate to share information without consent in relation to factors such as safeguarding, health or legislation.

Parents/Carers continue to have the right to access their child's educational record under the Education (Pupil Information) (England) Regulations 2005.

We aim to ensure that all personal data is correct. Parents/Carers and students have a responsibility to notify us of changes in personal circumstances (for example, change of address and contact details) so that we can ensure that your data is up-to-date.

Students and/or Parents/Carers have the right to request correction of any inaccurate data or to request deletion of any irrelevant data we hold about them.

Where we have relied on consent to process particular information and students and/or parents/carers have provided us with consent to process data, they have the right to withdraw such consent at any time.

Students and Parents/Carers have the right to restrict our processing of personal data where:

- The Subject contests the accuracy of the personal data until we have taken sufficient steps to correct or verify its accuracy;

¹ Age of consent currently going through legislation and therefore subject to change

- Where the processing is unlawful but the subject does not want us to erase the data;
- Where we no longer need the personal data for the purposes of the processing, but the subject requires them for the establishment, exercise or defence of legal claims;
- The individual has objected to us processing their data under Article 21(1), and we are considering whether our legitimate grounds override those of the individual.

Where personal data is subject to restriction in this way we will only process it with your consent or for the establishment, exercise or defence of legal claims.

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 by contacting Sharon Pepper, Business Manager.

We also have a Data Protection Officer who is responsible for monitoring our compliance with data protection law. You may contact our Data Protection Officer, Richard Lewis-Ogden securely and confidentially at any time if you have any concerns about the processing of your personal data or any data protection issue. 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 or any aspects of data protection, please contact:

Mrs Sharon Pepper
Business Manager
Benton Park School
Harrogate Road
Leeds
LS19 6LX
Telephone: 0113 250 2330

To make a request for your personal data please contact Mrs Nicola Dewhirst at secretary@bentonpark.net marking it "Data Access Request"

Our Data Protection Officer is Richard Lewis-Ogden who can be contacted at dataprotection@carrmanor.org.uk