



# **Nexus Education Schools Trust**

## **Privacy Notice for Parents/Carers – use of your child’s personal data**

**Date: September 2023**

# Privacy Notice for Parents/Carers

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## 1. Introduction

Under UK data protection law, individuals have a right to be informed about how our school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **pupils at NEST schools**.

Our trust, Nexus Education Schools Trust, is the 'data controller' for the purposes of UK data protection law.

We have a Trust appointed Data Protection Officer who will be responsible for ensuring compliance and monitoring the effectiveness of this policy.

## 2. The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

- Contact details, contact preferences, date of birth, identification documents
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Exclusion information
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers

We may also collect, use, store and share (when appropriate) information about pupils 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
- Eligibility for free school meals
- Photographs and CCTV images captured in school

- Information about characteristics, such as ethnic background or special educational needs

We may also hold data about pupils that we have received from other organisations, including other schools and social services.

### 3. Why we use this data

We use the data listed above to:

- Support pupil learning
- Monitor and report on pupil progress
- Provide appropriate pastoral care
- Protect pupil welfare
- Assess the quality of our services
- Administer admissions waiting lists
- Carry out research
- Comply with the law regarding data sharing

### 4. Our lawful basis for using this data

We only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where:

- We need to comply with a legal obligation
- We need it to perform an official task in the public interest

Less commonly, we may also process pupils' personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

#### 4.1 Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and 1 of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your child's personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- 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 the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law

- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

## 5. Collecting this data

While the majority of information we collect about pupils is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about your child will come from you, but we may also hold data about your child from:

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

## 6. How we store this data

We keep personal information about pupils while they are attending our school. We may also keep it beyond their attendance at our schools if this is necessary in order to comply with our legal obligations. Our Records Management Policy/Data Retention Schedule sets out how long we keep information about pupils.

We have put in place appropriate security measures to prevent pupils' personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of pupils' personal data securely when we no longer need it.

## 7. Who we share data with

We do not share information about pupils 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 UK data protection law), we may share personal information about your child with:

- Our local authority, – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions
- The Department for Education
- The pupil's family and representatives
- Educators and examining bodies
- Our regulator, [e.g. Ofsted, NEST]
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Financial organisations
- Central and local government
- Our auditors
- Local Health authorities
- Health and social welfare organisations
- Professional advisers and consultants

- › Police forces, courts, tribunals
- › Professional bodies

### **National Pupil Database**

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census and early years census.

Some of this information is then stored in the [National Pupil Database](#) (NPD), which is owned and managed by the Department for Education and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with third parties, such as other organisations which promote children's education or wellbeing in England. These third parties must agree to strict terms and conditions about how they will use the data.

For more information, see the Department for Education's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) with any further questions about the NPD.

## **8. Your rights**

### **8.1 How to access personal information that we hold about your child**

You have a right to make a 'subject access request' to gain access to personal information that we hold about your child.

If you make a subject access request, and if we do hold information about your child, we will (subject to any exemptions that apply):

- › Give you a description of it
- › Tell you why we are holding and processing it, and how long we will keep it for
- › Explain where we got it from, if not from you
- › Tell you who it has been, or will be, shared with
- › Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- › Give you a copy of the information in an intelligible form

You may also have the right for your child's personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact your child's school in writing.

### **8.3 Your other rights regarding your child's data**

Under UK data protection law, you have certain rights regarding how your child's personal data is used and kept safe. For example, you have the right to:

- › Object to our use of your child's personal data
- › Prevent your child's data being used to send direct marketing
- › Object to and challenge the use of your child's personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- › In certain circumstances, have inaccurate personal data corrected
- › In certain circumstances, have the personal data we hold about your child deleted or destroyed, or restrict its processing

- Withdraw your consent, where you previously provided it for the collection, processing and transfer of your child's personal data for a specific purpose
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact us' below).

## 9. Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## 10. Contact us

If you have any questions or concerns, or would like more information about anything mentioned in this privacy notice, please contact our **data protection lead** who has day-to-day responsibility for data protection issues in our Trust.

Email: [office@nestschools.org](mailto:office@nestschools.org)