

## PRIVACY NOTICE FOR STUDENTS ATTENDING THE MARLBOROUGH SCIENCE ACADEMY

The Marlborough Science Academy collects a lot of data and information about our students so that we can run effectively as a school. This privacy notice explains how and why we collect students' data, what we do with it and what rights parents and students have.

### PRIVACY NOTICE (HOW WE USE STUDENT INFORMATION)

The Marlborough Science Academy is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you before, during and after your time here with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all current and former students. We may update this notice at any time.

The Marlborough Science Academy is a standalone academy. The Data Protection Officer for The Marlborough Science Academy is Richard Atterton.

The Marlborough Science Academy is a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

### DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about you must be:

- (a) Used lawfully, fairly and in a transparent way.
- (b) Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- (c) Relevant to the purposes we have told you about and limited only to those purposes.

- (d) Accurate and kept up to date.
- (e) Kept only as long as necessary for the purposes we have told you about.
- (f) Kept securely.

## **Why do we collect and use student information?**

We collect and use student information under the following lawful bases:

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

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

- a. we have explicit consent;
- b. 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
- c. 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.

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

We use the student data to support our statutory functions of running a school, in particular:

- a. administer admissions waiting lists
- b. to support student learning;
- c. to monitor and report on student progress;
- d. to provide appropriate pastoral care;
- e. to assess the quality of our services;
- f. to comply with the law regarding data sharing;
- g. for the protection and welfare of students and others in the school;
- h. for the safe and orderly running of the school;
- i. to promote the school;
- j. to communicate with parents / carers.

## **The categories of student information that we collect, hold and share include:**

- a. Personal information (such as name, unique student number and address);
- b. Characteristics (such as ethnicity, language, medical conditions, nationality, country of birth and free school meal eligibility);
- c. Attendance information (such as sessions attended, number of absences and absence reasons)
- d. Assessment information
- e. Relevant medical/child protection/safeguarding information
- f. Special educational needs information
- g. Exclusions/behavioural information
- h. Information about criminal proceedings
- i. CCTV images captured in school
- j. Biometric information

We may also hold data about students that we have received from other organisations, including other schools, local authorities and the Department for Education

From time to time and in certain circumstances, we might also process personal data about students, some of which might be sensitive personal data, including information about criminal proceedings / convictions, information about sex life and sexual orientation, child protection / safeguarding. This information is not routinely collected about students and is only likely to be processed by the school in specific circumstances relating to particular students, for example, if a child protection issue arises or if a student 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 students when they join the school and update it during their time on the roll as and when new information is acquired.

As the school has a cashless catering system, we also process biometric data about students. Please see our GDPR Policy for more details about how we process biometric data.

## **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 appropriate, we will ask parents/students for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to use photos or images of students on our website or on social media to promote school activities or if we want to ask your permission to use your information for marketing purposes. Parents / students may withdraw consent at any time.

When students are deemed to be old enough to make their own decisions in relation to their personal data, we will also ask the student for their consent in these circumstances. This will be from the start of the academic year following the student's 13<sup>th</sup> birthday. [Although parental consent is unlikely to be needed, we wish to take a collaborative approach so we will keep parents informed when we are approaching students for consent up to the age of 16] Students with the maturity to make their own decisions about their personal data may withdraw consent if consent has previously been given.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and students. CCTV footage may be referred to during the course of disciplinary procedures (for staff or students) or investigate other issues. CCTV footage involving students will only be processed to the extent that it is lawful to do so. Please see our CCTV policy for more details.

## **Storing student data**

Student data is held and stored as per the TMSA Data Retention Policy. We will only retain personal information for as long as necessary to fulfil the purposes we collected it for.

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

Data stored electronically may be saved on a cloud-based system which is hosted within the EU.

Personal data may be transferred to other countries if, for example, we are arranging a school trip to a different country. Appropriate steps will be taken to keep the data secure.

## Who do we share student information with?

We do not share personal information about you with anyone outside the school without permission from you or your parents/carers, unless the law and our policies allow us to do so.

Where it is legally required, or necessary for another reason allowed under data protection law, we may share personal information about you with:

- schools that students attend after leaving us;
- our local authority (Hertfordshire County Council)
- a student's home local authority (if different);
- the Department for Education (DfE);
- the Education Skills Finding Agency
- school governors / trustees;
- exam boards and awarding bodies
- staff who are employed at TMSA
- the student's family and representatives
- Our regulator, Ofsted
- Suppliers and service providers – to enable them to provide the services we have contracted them for
- Financial organisations
- Central & local Government
- Our auditors
- Survey and research organisations
- Health and social welfare authorities
- Security organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Professional bodies
- Police and law enforcement agencies;
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers;
- Courts, if ordered to do so;
- the National College for Teaching and Learning;
- the Joint Council for Qualifications;
- 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;
- our HR providers, for example, if we are seeking HR advice and a student is involved in an issue;
- UCAS
- our legal advisors;

- our insurance providers;
- SchoolComms
- VLE – WebAnywhere
- Google Classroom
- MyMaths
- PaperCut
- Microsoft – Outlook 365
- Paxton – Net2 Access Control
- MyConcern
- Provision Map Writer
- GL Assessment – Dyslexia/Dyscalculia Screener, Lucid, Recall, Rapid, Ability
- SNAP
- IDoceo
- MangaHigh
- Doodle
- Capita – SIMS
- Parents Evening System
- School Photographers, Tempest
- Consortium schools
- Education data collection providers
- MINT classroom for seating planning
- Nationwide Retail Systems (for cashless catering)
- Our caterers (when they need to know for allergy purposes)

Some of the above organisations may also be Data Controllers in their own right in which case we will be jointly controllers of your personal data and may be jointly liable in the event of any data breaches.

In the event that we share personal data about students 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.

### **Aged 14+ qualifications**

For students enrolling for post 14 qualifications, the Learning Records Service will give us a student's unique learner number (ULN) and may also give us details about the student's [learning or qualifications](#).

### **Why we share student information**

We do not share information about our students with anyone without consent unless the law allows 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 the (DfE) under regulation 5 of The Education (Information About Individual Students) (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>.

### **Youth support services**

Once our students reach the age of 13, we also pass student information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers
- post 16 education and training services

A parent / guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / student once he/she reaches the age 16.

For more information about services for young people, please visit our [local authority website](#).

### **The National Student 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 students 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 Students) (England) Regulations 2013.

To find out more about the student information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-student-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 DfE 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-student-database-requests-received>

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



## Requesting access to your personal data

Under data protection legislation, students, and in some circumstances, parents, have the right to request access to information about them that we hold (“Subject Access Request”). From the age of 13, we generally regard students as having the capacity to exercise their own rights in relation to their personal data. This means that where we consider a student to have sufficient maturity to understand their own rights, we will require a Subject Access Request to be made by the student and not their parent(s) on their behalf. This does not affect any separate statutory right parents might have to access information about their child.

Subject to the section below, 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 / students 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. [For further information about how we handle Subject Access Requests, please see our GDPR Policy].

Parents of students who attend academies have a separate statutory right to receive an annual written report setting out their child’s attainment for the main subject areas which are taught. This is an independent legal right of parents rather than a student’s own legal right which falls outside of the GDPR, therefore a student’s consent is not required even a student is able to make their own decisions in relation to their personal data, unless a court order is in place which states otherwise.

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 student, with whom the student lives or whether the student has contact with that parent), and also includes non-parents who have parental responsibility for the student, or with whom the student lives. It is therefore possible for a student to have several “parents” for the purposes of education law.

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.

## **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. 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.

## **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 Data Protection Officer Via the email [DPO@marlborough.herts.sch.uk](mailto:DPO@marlborough.herts.sch.uk)**

### **Contact:**

If you would like to discuss anything in this privacy notice, please contact:

- Data Protection Officer – [dpo@marlborough.herts.sch.uk](mailto:dpo@marlborough.herts.sch.uk)