



# The Fernwood School

*High Achievement with Care & Discipline for All"*

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## Parent/Carers: Use of your Child's Personal Data Privacy Notice

This policy will be monitored regularly and evaluated so that it remains responsive to current issues. This will be co-ordinated by the Data Protection Officer.

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## Purpose of the Policy

Under data protection law, individuals have a right to be informed about how our Trust 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 our school.

Once your child is able to understand their rights over their own data (generally considered to be age 13+, but this has to be considered on a case-by-case basis), you should instead refer to our privacy notice for pupils to see what rights they have over their own personal data.

The Fernwood Academy Trust, is the 'data controller' for the purposes of data protection law.

Our Data Protection Officer is SPS DPO Services (see 'Contact us' below).

## The Personal Data we Hold

Personal data that we may collect, use, store and share (when appropriate) about your child 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 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

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

## Why we Use This Data

We use the data listed above to:

- a) Support pupil learning
- b) Monitor and report on pupil progress



- c) Provide appropriate pastoral care
- d) Protect pupil welfare
- e) Assess the quality of our services
- f) Administer admissions waiting lists
- g) Carry out research
- h) Comply with the law regarding data sharing

## Use of Your Child's Personal Data for Marketing Purposes

If we intend on using your child's personal data for marketing purposes we will request consent to do so. Where you have given us consent we may send your child marketing information by leaflet or email promoting school events, campaigns, charitable causes or services that may be of interest to them.

You can withdraw consent or 'opt out' at any time by contacting the school office.

## Use of Your Child's Personal Data in Automated Decision Making and Profiling

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.

## Our Lawful Basis for Using This Data

Our lawful bases for processing your child's personal data for the purposes listed in the 'Why we use data' section above are as follows:

For the purposes of a, b, c, d, e, f, g and h in accordance with the 'public task' basis – we need to process data to fulfil our statutory function as a school as set out here:

- ✿ Education Act 1996
- ✿ Education Act 2011
- ✿ Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013

For the purposes of a, b, d, f and h in accordance with the 'legal obligation' basis – we need to process data to meet our responsibilities under law as set out here:

- ✿ Education Act 1996
- ✿ Education Act 2011
- ✿ Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013
- ✿ Safeguarding Vulnerable Groups Act 2006
- ✿ Data Protection Act 2018



For the purposes of d, in accordance with the 'vital interests' basis – we will use this personal data in a life-or-death situation

For the purposes of c and g in accordance with the 'legitimate interests' basis – where there's a minimal privacy impact and we have a compelling reason, including:

- ✿ Collecting and sharing personal data and research internally to provide the best quality teaching quality and care

Where you have provided us with consent to use your child's data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

## 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 one of the following conditions for processing as set out in 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

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 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



## Collecting Pupil Information

While the majority of information we collect about your child 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, tribunals

## Storing Pupil Data

We keep personal information about your child while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary. Our Records Management Policy sets out how long we keep information about pupils. A copy of this policy can be requested from the school office.

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

We will dispose of your child's personal data securely when we no longer need it.

## Who We Share Pupil Information With

We do not share information about your child 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 your child with:

- ✿ Our local authority (Nottingham City) – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions
- ✿ Government departments or agencies – to meet our legal obligations to share certain information
- ✿ Our youth support services provider – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions
- ✿ Our regulator, Ofsted – to meet our legal obligations to share certain information
- ✿ Police forces, courts, tribunals – to meet our legal obligations to share certain information
- ✿ schools that the pupils attend after leaving us - to share a student Education Record as part of our legal obligations to share certain information



- ✿ the Department for Education (DfE) – to provide data for statutory data collections such as the school census and school performance analysis
- ✿ The NHS (Community Public Health Nursing Team – to facilitate health care, including events for the Childhood Immunisation Programme
- ✿ Examination Boards: OCR, Edexcel, AQA – to provide data for studies to apply to and complete educational courses.

The Fernwood Academy Trust uses a variety of third party suppliers/software to support the education of pupils which may require data to be shared, processed or stored. We use:

- ✿ Capita
  - ✿ InTouch
  - ✿ Teacher App
  - ✿ Parent App
  - ✿ Student App
- ✿ PageOne
- ✿ ParentPay
- ✿ Microsoft Office 365
- ✿ Google G-Suite
- ✿ ePraise
- ✿ Derventio Education School IP
- ✿ Soflink Oliver V5 Hosted
- ✿ School Cloud Systems Room Booking System
- ✿ Aerohive
- ✿ CPOMS Systems Limited
- ✿ Wonde
- ✿ Groupcall Xporter
- ✿ School Photographer – Wrates
- ✿ SAAF Education Ltd
- ✿ Evolve
- ✿ Fisher Family Trust Aspire
- ✿ PIXL Schools
- ✿ 4Matrix
- ✿ Asset for Schools
- ✿ Pearson ActiveLearn
- ✿ Oxford University Press
  - ✿ MyMaths
  - ✿ Kerboodle
- ✿ Memrise
- ✿ Quizlet
- ✿ Plickers
- ✿ Eedi/Diagnostic Questions
- ✿ Seneca Learning Ltd.
- ✿ Renato Software Ltd. – Senso.cloud



## 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.

Some of this information is then stored in the National Pupil Database (NPD), which is owned and managed by the Department 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'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.

## Youth Support Services

### Pupils Aged 13+

Once our pupils reach the age of 13, we also pass pupil 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
- ✿ A parent or carer 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 / pupil once he/she reaches the age 16.

The Nottinghamshire Youth Support Services provide a range of support for young people to help resolve any problems, which may include;

- ✿ problems with attendance or behaviour at school
- ✿ problems with drugs or alcohol
- ✿ difficulties finding work, training or re-entering education having left school
- ✿ being at risk of getting involved in anti-social behaviour and/or crime
- ✿ going missing from home or school
- ✿ being homeless, or at risk of homelessness
- ✿ young carers
- ✿ teenage parents.





Please contact the school office if you wish to opt out of the school sharing data on your child with the Youth Support Service.

## Transferring Data Internationally

We may share personal information about your child with the following international third parties outside of the European Economic Area. Where we transfer your child's personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

## Automated Decision Making and Profiling

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.

## 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 us (see 'Contact us' below).

Once your child is able to understand their rights over their own data (generally considered to be age 13+, but this has to be considered on a case-by-case basis), we will need to obtain consent from your child for you to make a subject access request on their behalf.

## Accessing Your Child's Educational Record

Parents, or those with parental responsibility, may request access to their child's educational record (which includes most information about a pupil). The Trust will endeavour to provide this within 15 school days of receipt of a written request. For more information, including the charges that are applicable please see the Data Protection Policy, available by request from the School Office.



## Your Other Rights Regarding Your Child's Data

Under 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
- ✿ 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).

Once your child is able to understand their rights over their own data (generally considered to be age 13+, but this has to be considered on a case-by-case basis), we will need to obtain consent from your child for you to make these requests on their behalf.

## 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

## Contact

Our Data Protection Officer is:

SPS DPO Services  
iSystems Integration,  
Devonshire House,  
29-31 Elmfield Road,  
Bromley,  
Kent BR1 1LT

Email – [sps-dpo-services@isystemsintegration.com](mailto:sps-dpo-services@isystemsintegration.com)



However, our **Data Protection Lead** has day-to-day responsibility for data protection issues in our school.

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact them via the School Office.