



Office of
the Schools
Adjudicator

Office of the Schools Adjudicator (OSA) Privacy Notice

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Privacy notice

This privacy notice contains the standards you can expect from the Office of the Schools Adjudicator when we ask for and hold personal data. It covers how personal data and special category personal data (sensitive information) are used and treated by adjudicators and OSA staff.

About Us

Schools Adjudicators are responsible for a number of statutory education functions. The adjudicators and their secretariat make up the OSA. We collect and use individuals' personal data including, in some cases, children's personal data. We need this personal data in order to carry out our work which includes investigating objections to school admission arrangements and considering whether a particular school should be required to admit a named pupil. The OSA's data controller (the person who determines the purpose(s) for which, and the manner in which, any personal data are to be processed) is the Chief Adjudicator who is Ms Shan Scott.

The OSA does not create personal data, but it does collect personal data from individuals and from other organisations.

Find out more about the [Office of the Schools Adjudicator](#).

The personal data we collect

School Admissions Cases

The OSA collects the names, addresses and contact details of people making objections to school admission arrangements. We may collect information about whether people have children of a certain age.

We collect and use this personal data for two main reasons. First, because the law¹ says that those objecting to admission arrangements must provide their name and address to the adjudicator. Second, we use the names and addresses of objectors to keep them informed of the progress of their objection, and in order to invite them to any meeting we may hold to discuss the objection. We allow people in certain circumstances to have their identities withheld from others involved in a case. To decide on this, we ask people who want to have their identity withheld to tell us why, including if this is because they have children who might wish to attend the school concerned.

¹ Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations

We do not ask for any other personal data but sometimes people give us their personal data, for example, someone complaining about a school's admission arrangements may tell us that they belong to a particular religious faith.

The OSA collects the names and official (but not personal) addresses and contact details of headteachers, some school governors and academy trust directors, local authority officers and religious authorities for schools.

We collect and process this data so that these organisations can assist us in our work and so that they can comment on objections made to the admission arrangements of schools in which they have an interest.

We do not rely upon your consent in order to process your personal data. The OSA collects and uses personal data about objectors under Article 6 paragraph 1(e) of the UK General Data Protection Regulation. This provision allows the collection of personal data where this is necessary for us to perform a task for our official functions where the task or function has a clear basis in law².

Cases relating to the admission of a particular child to a school

The OSA collects personal data, including children's personal data, when we are asked to decide or advise on whether a particular school should be required to offer a place to a named child. This may include special category data.

In certain circumstances, local authorities can direct the admission authority of a maintained school to admit a child who is without a school place³. Where this happens, the admission authority can refer the case to the OSA. The adjudicator assigned to the case will then decide whether the school can be directed to admit the child or not or whether another maintained school should admit the child.

The Secretary of State can direct an academy to admit a child who is without a school place and may seek advice from the adjudicator before doing so.

The personal data and special category data that we collect comprise information about the child a school may be directed to admit. This can include:

- the child's name address, age, gender, date of birth, religion, ethnicity;
- details about the child's family, including, parents, siblings and other relatives and relationships between these individuals;
- whether the child is looked after by a local authority and, if so, which one;

² The basis in law is section 88H and section 88I of the School Standards and Framework Act 1998 which imposes duties and confers powers on the adjudicator to consider if admission arrangements are lawful

³ The relevant law is sections 95, 96, 97, 97A and 97B of the School Standards and Framework Act 1998. An explanation of this can be found at paragraphs 3.16 to 3.22 of the School Admissions Code

- the child’s educational history, including performance and behaviour at school and, if the child has been excluded from one or more schools, details of such exclusion(s);
- reports by bodies and individuals including educational psychologists, medical professionals, Children and Adolescent Mental Health Services (CAMHS), social workers;
- information about other children at the school or schools concerned.

We use this personal data to help us to decide or advise the Secretary of State whether or not a school should be required to admit the child.

The personal data we use is provided to us by one or more of the following persons or bodies:

- The local authority which wishes to direct the school to admit the child.
- The school which would be the subject of the direction.
- The Education and Skills Funding Agency (ESFA) on behalf of the Secretary of State for Education.
- The local authority which maintains the school (if different from the local authority which wishes to direct the admission of the child).
- The school or other institution which the child is currently attending.
- The child’s previous school, for example in cases where the child has been permanently excluded, or where the previous school holds relevant information.

The personal data provided by some of these bodies may include information from other persons or bodies (for example medical records, educational psychologists’ reports and in some cases school records). We do not rely upon your consent in order to collect and use personal data and special category data. We rely upon Article 6 paragraph (1)(e) to process personal data. This provision allows the collection of personal data where this is necessary for us to perform a task for our official functions where the task or function has a clear basis in law. We rely upon Article 6 paragraph (1)(e) and Article 9 paragraph(2)(g) of the UK General Data Protection Regulation as the lawful basis for processing special category data. Article 9(2)(b) allows the processing of special category data where this is necessary for reasons of substantial public interest, on the basis of law.

Other OSA functions

The OSA has other statutory powers and duties⁴. These involve making decisions about changes to maintained schools and the setting up and closing of such schools and about school land. The only personal data we collect in such cases is

⁴ These are set out in the School Standards and Framework Act 1998 and the Education and Inspections Act 2006

the names and official (not personal) addresses of staff, governors and officers of the schools and local authorities concerned.

Your privacy

To protect your privacy we will:

- Only process personal data which it is necessary for us to process in order to exercise our functions.
- Make sure we don't keep your personal data for longer than we need to.
- Protect your personal data, and make sure only the appropriate people within the organisation have access to the data.
- Let you know if we share your personal data with other organisations, and which organisations these are. (We say more about this later in this privacy notice).
- Keep the data up to date where necessary and let you know if you need to notify us about changes to your circumstances.
- Let you know if we are planning to change the way we use or hold your data.
- Train our staff to ensure we properly use and protect your personal data.

How to find out what personal data we hold about you

Under the terms of the UK GDPR, you are entitled to ask us:

- if we are processing your personal data;
- to give you a description of the data we hold about you, the reasons why we're holding it and any recipient we may disclose it to; and
- for a copy of your personal data and any details of its source.

If you want to see your personal data, you should make a 'subject access request' If you want more information about how we process your personal data, you can contact us to request this information.

Children aged 13 and above can make a subject access request in relation to their personal data. For children below the age of 13, their parents, and others with parental responsibility may make a subject access request on their behalf.

You are also entitled to ask us to change the personal data we hold about you, if it is wrong. You can ask us to erase your personal data; not send the data to particular persons or organisations; and you can object to us processing your personal data, (unless this is special category data).

If you want to make a subject access request, need more information, or want us to erase, or stop processing your personal data, contact Matthew Brown by email:

osa.team@schoolsadjudicator.gov.uk or by post:

OSA
Bishopsgate House
Feethams
Darlington
DL1 5QE

How we hold your personal data

We will protect your personal data. All OSA staff and adjudicators receive appropriate training every year. Paper files containing personal data are retained and stored securely in locked cabinets in the OSA's office. Any case files removed from the OSA offices may only be removed in accordance with the DfE procedures for working at home.

Electronic files are stored securely and can only be accessed by persons who need access to the information. All email correspondence is conducted using secure Government systems.

When we share personal data

We may share the personal data we hold with certain organisations, where we need to do this to carry out our work. We will only ever share your personal data in the ways set out below, or where we have a legal obligation to do so.

When we are investigating objections to school admission arrangements, we will in some cases share the name and address of the objector with:

- those who represent the admission authority for the school that is subject to the objection. This will usually be the headteacher and the Chair of the Board of Governors or Academy Trust for the school;
- the local authority for the area in which the school is situated;
- any religious body associated with the school.

We refer to these groups (along with the objector) as “the parties to the case”. We will withhold the name and address of the objector from other parties to the case on request where the objector is a parent or carer or has parental responsibility for a child who is of an age to join the school. Exceptionally, we will also withhold the name and address from other parties to the case where the objector has a good reason for this. We do not include the names or addresses of objectors in our published reports (determinations) on cases. We do not share the names and addresses of objectors with anyone who is not a party to the case, (or the legal representative of a party to the case), and would never do so unless

this was required under a court order or statutory obligation. We do not process or share personal data which would allow individual children to be identified in these cases.

When we are considering if a school should be required to offer a place to a named child, we may share personal data and special category data we have been given by one party (for example the school) with another (for example the local authority). We may need to share personal data with the ESFA in directions cases involving academy schools.

In carrying out our other statutory functions we do not share any personal data with any organisation which does not already have that data.

Our data protection officer is Emma Wharram who can be contacted at Emma.WHARRAM@education.gov.uk.

When we have completed our work on a case, all personal data is disposed of securely once we no longer need to keep it. If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first place. Alternatively, you can [make a complaint](#) to the Information Commissioner's Office.

General Information

If you have any questions about how your personal data will be used, please use this email address: osa.team@schoolsadjudicator.gov.uk

You can find more information about your [individual rights](#) on the Information Commissioner's website.

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