# Privacy Notice (How we use child and young person’s information)

**[Suggested wording for local authorities to make available to children, young people and parents to explain how you use their information. You must review and amend to reflect local needs and circumstances, as you will process data that is not solely for use within data collections]**

## The categories of child and young person’s information that we process include:

* personal identifiers and contacts (such as name, unique pupil number, contact details and address)
* characteristics (such as ethnicity, language, and free school meal eligibility)
* safeguarding information (such as court orders and professional involvement)
* special educational needs (including the needs and ranking)
* attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
* assessment and attainment (such as phonics results, post 16 courses enrolled for and any relevant results)
* behavioural information (such as exclusions and any relevant alternative provision placements put in place)

**[Local authorities need to add to this list other categories of child and young person’s information that they process. These might include, for example; trips and activities, catering and free school meal management and identity management / authentication]**

This list is not exhaustive, to access the current list of categories of information we process please see **[link to website or location of data asset register / current privacy notice]**

## Why we collect and use child and young person’s information

**[Local authority to insert both the purposes and lawful bases for collecting and using child and young person’s information]**

We use child and young person’s data to:

1. enable us to carry out specific functions for which we are responsible
2. derive statistics which inform decisions such as the funding of schools
3. assess performance and to set targets for schools

**[Local authority need to add to this list any other reasons for which they collect and use child and young person’s information]**

Under the [UK General Data Protection Regulation (UK GDPR)](https://www.gov.uk/data-protection), the lawful bases we rely on for processing child and young person’s information are:

**[Local authority to document the lawful basis for each purpose (must include a basis from Article 6, and one from Article 9 where data processed is special category data from the UK GDPR). Ensure you list all relevant legislation that supports the lawful basis. For the Department for Education (DfE) data collections see relevant legislation for each specific** [data collection](https://www.gov.uk/education/data-collection-and-censuses-for-schools) **you collect data for]**

* for the purposes of **[Insert purpose / purposes]** in accordance with the legal basis of **[Insert legal basis]**

In addition, concerning any special category data:

* conditions **[Insert conditions]** of [UK GDPR - Article 9](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/)

**[Local authority to extend to list lawful basis / bases for each purpose that they are processing]**

## Collecting child and young person’s information

We collect child and young person’s information via **[explain method of data collection used, for example Common Transfer File (CTF) or secure file transfer from schools]**

Children and young person’s data is essential for the local authority’s operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain personal information to us or if you have a choice in this.

## Storing child and young person’s data

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit **[link to website]**

**[Local authority should explain or reference the appropriate data retention documents that show where data is held, the security arrangements (high level), and policies about safe use of data within the local authority. Ideally, this section should link to policies that are easily accessible and regularly reviewed].**

## Who we share child and young person’s information with

We routinely share pupil information with:

* youth support services (pupils aged 13+)
* the Department for Education (DfE)

**[Local authority needs to amend and extend this list to include all other parties with whom they regularly share pupil information. Examples include, their schools, education and training or NHS.]**

## Why we regularly share child and young person’s information

We do not share information about our children or young people with anyone without consent unless the law and our policies allow us to do so. **[Local authority to explain why they share child and young person’s data and insert any relevant legislation for sharing it with those named in ‘Who we share pupil information with’ section. It is also useful to state how the data is transferred and link to any data retention policies where available]**

## Education and training

We\* **[\*OR replace with the name of your support service or provider]** hold information about young people living in our area, including about their education and training history. This is to support the provision of their education up to the age of 20 (and beyond this age for those with a special educational need or disability). Under parts 1 and 2 of the Education and Skills Act 2008, education institutions and other public bodies (including the Department for Education (DfE), police, probation and health services) may pass information to us to help us to support these provisions

## Youth support services

### Pupils aged 13+

Once our pupils reach the age of 13, we also pass pupil information to the 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](https://www.legislation.gov.uk/ukpga/1996/56/section/507B).

This enables them to provide services as follows:

* youth support services
* careers advisers
* post-16 education and training providers **[Pupils aged 16+]**

The information shared is limited to the child’s name, address and date of birth. However where a parent or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the child / pupil once he/she reaches the age 16*.*

Data is securely transferred to the youth support service via **[insert method used]** and is stored **[insert storage]** and held for **[insert data retention period]**.

For more information about services for young people, please visit our local authority website.

**Department for Education (DfE)**

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our children and young people with the Department for Education (DfE) for the purpose of those data collections, under:

**[Local authority to insert relevant legislation for their sharing of information with the Department for Education (DfE). See relevant legislation for each specific** [data collection](https://www.gov.uk/education/data-collection-and-censuses-for-schools) **you complete]**

**Example for school census:**

section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by the Department for Education (DfE) under a combination of software and hardware controls which meet the current [government security policy framework](https://www.gov.uk/government/publications/security-policy-framework).

For more information, please see ‘How Government uses your data’ section.

For privacy information on the data the Department for Education collects and uses, please see: <https://www.gov.uk/government/publications/privacy-information-early-years-foundation-stage-to-key-stage-3>

and

<https://www.gov.uk/government/publications/privacy-information-key-stage-4-and-5-and-adult-education>

## Requesting access to your personal data

The UK GDPR gives parents and pupils certain rights about how their information is collected and used. To make a request for your personal information, or be given access to your child’s educational record, contact **[local authority to include details of their administrator / Data Protection Officer]**

You also have the following rights:

* the right to be informed about the collection and use of your personal data – this is called ’right to be informed’.
* the right to ask us for copies of personal information we have about you – this is called ’right of access’, this is also known as a subject access request (SAR), data subject access request or right of access request.
* the right to ask us to change any information you think is not accurate or complete – this is called ‘right to rectification’.
* the right to ask us to delete your personal information – this is called ‘right to erasure’.
* the right to ask us to stop using your information – this is called ‘right to restriction of processing’.
* the ‘right to object to processing’ of your information, in certain circumstances
* rights in relation to automated decision making and profiling.
* the right to withdraw consent at any time (where relevant).
* the right to [complain to the Information Commissioner](https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights) if you feel we have not used your information in the right way.

There are legitimate reasons why your information rights request may be refused. For example, some rights will not apply:

* right to erasure does not apply when the lawful basis for processing is legal obligation or public task.
* right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests.
* right to object does not apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don’t have the right to object, but you have the right to withdraw consent.

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner’s Office at [raise a concern with ICO](https://ico.org.uk/concerns/)

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the [How Government uses your data](#_How_government_uses) section of this notice.

## Withdrawal of consent and the right to lodge a complaint

**[For use where consent is the lawful basis. Therefore, where consent is NOT used, this section will need to be deleted]** Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting **[identify a suitable representative here xxxxxx along with their contact details]**

## Last updated

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on **[insert data notice was drafted/last updated].**

## Contact

If you would like to discuss anything in this privacy notice, please contact: **[local authority to insert name / address / contact details of its administrator or Data Protection Officer]**

## How Government uses your data

The pupil data that we lawfully share with the the Department for Education (DfE) through data collections:

* underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
* informs ‘short term’ education policy monitoring and school accountability and intervention (for example, school GCSE results or Pupil Progress measures).
* supports ‘longer term’ research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

## Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education (DfE) (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 (DfE) and contains information about pupils in schools in England. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

The data in the NPD is provided as part of the operation of the education system and is used for research and statistical purposes to improve, and promote, the education and well-being of children in England.

The evidence and data provide DfE, education providers, Parliament and the wider public with a clear picture of how the education and children’s services sectors are working in order to better target, and evaluate, policy interventions to help ensure all children are kept safe from harm and receive the best possible education.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-npd-privacy-notice/national-pupil-database-npd-privacy-notice>

**Sharing by the Department for Education (DfE)**

DfE will only share pupils’ personal data where it is lawful, secure and ethical to do so. Where these conditions are met, the law allows the Department for Education (DfE) to share pupils’ personal data with certain third parties, including:

* schools and local authorities
* researchers
* organisations connected with promoting the education or wellbeing of children in England
* other government departments and agencies
* organisations fighting or identifying crime

For more information about the Department for Education’s (DfE) NPD data sharing process, please visit: <https://www.gov.uk/government/publications/national-pupil-database-npd-privacy-notice/national-pupil-database-npd-privacy-notice>

Organisations fighting or identifying crime may use their legal powers to contact the Department for Education (DfE) to request access to individual level information relevant to detecting that crime.

For information about which organisations the Department for Education (DfE) has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website: <https://www.gov.uk/government/publications/dfe-external-data-shares>

**How to find out what personal information the Department for Education (DfE) hold about you**

Under the terms of the UK GDPR, you’re entitled to ask the Department for Education (DfE):

* if they are processing your personal data
* for a description of the data they hold about you
* the reasons they’re holding it and any recipient it may be disclosed to
* for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department for Education (DfE), you should make a ‘subject access request’. See the guide for details:

<https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights>

Further information on what personal information the Department for Education (DfE) holds about you published in the privacy notices for early years foundation stage to key stage 3, and key stage 4 and 5 and adult education. These are available below:

<https://www.gov.uk/government/publications/privacy-information-early-years-foundation-stage-to-key-stage-3>

<https://www.gov.uk/government/publications/privacy-information-key-stage-4-and-5-and-adult-education>

To contact the Department for Education (DfE): <https://www.gov.uk/contact-dfe>