



MILLAÏS

Student Privacy Notice

The EU General Data Protection Regulation (GDPR)

On the 25th May 2018 the General Data Protection Regulation (GDPR) will be applicable and the current Data Protection Act (DPA) will be updated by a new Act giving effect to its provisions, to be known as the Data Protection Bill.

Data Controller

Millais School complies with the GDPR and is registered as a 'Data Controller' with the Information Commissioner's Office (Reg. No. Z8516504).

The Data Protection Officer (DPO) for the school is Miss L Johnson

We ensure that your personal data is processed fairly and lawfully, is accurate, is kept secure and is retained for no longer than is necessary.

The Legal Basis for Processing Personal Data

The main reason that the school processes personal data is because it is necessary in order to comply with the schools legal obligations and to enable it to perform tasks carried out in the public interest,

The school may also process personal data if at least one of the following applies:

- in order to protect the vital interests of an individual
- there is explicit consent.
- to comply with the school's legal obligations in the field of employment and social security and social protection law
- for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
- for reasons of public interest in the area of public health
- for reasons of substantial public interest, based on law, which is proportionate in the circumstances and which has provides measures to safeguard the fundamental rights and the interests of the data subject;

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

- Personal information (such as name, unique pupil number and address and contact details, carers details)
- Characteristics (such as ethnicity, language, nationality, country of birth, religion and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons, behavioural information, details of any exclusion information,)
- national curriculum assessment results, examination results will be published in local newspapers, television reports and on media websites,

- where students go after they leave us
- any special educational needs or disabilities as well as relevant medical information.
- For students enrolling for post 14 qualifications, the Learning Records Service will give us the unique learner number (ULN) and may also give us details about students learning or qualifications. Further information can be found on the website <https://www.gov.uk/government/publications/learning-records-service-the-plr-for-learners-and-parents>

How we use information

We collect and hold personal information relating to our students and those involved in their care, we may also receive information from previous schools, the local authority(s) and/or the Department for Education (DfE).

We use this personal data to:

- support our students' learning
- support our students' welfare
- monitor and report on their progress
- provide appropriate pastoral care;
- assess the quality of our services;
- process any complaints;
- protecting vulnerable individuals;
- the prevention and detection of crime

Who we share data with

We may pass data to:

- the local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions.
- The students family and representatives.
- Schools that a student attends after leaving this school and when students change schools in-year.
- The Department for Education (DfE)
- NHS social welfare organisations and the Police
- third-party organisations, as allowed by law
- agencies that provide services on our behalf , e.g. school email communication system, payment system, parents evening booking, classroom management, student welfare and student performance analysis to enable the school to perform its tasks.
- agencies with whom we have a duty to co-operate

For further information about who we share with and why please see [APPENDIX A](#).

Retention Periods

Personal data will not be retained by the school for longer than necessary in relation to the purposes for which they were collected.

Information will be held in accordance with the Information and Records Management Society Tool Kit for Schools: <https://irms.site-ym.com/page/SchoolsToolkit>

Photographs

The School may take photographs, videos or webcam recordings of students or students for official use, monitoring and for educational purposes. You will be made aware that this is happening and the context in which the photograph will be used.

Photographs may also be taken of those attending a ceremony which may appear in the newspaper. You will be made aware that this is happening and the context in which the photograph will be used.

CCTV

The school operates CCTV on the school site as it is considered necessary to protect students' safety and/or the school's property

Biometrics

The school operates biometric recognition systems for the purpose of administration of the school library, catering, registration, printing and photocopying.

All data collected will be processed in accordance with the GDPR Data Protection Principles and the Protection of Freedoms Act 2012

The written consent of at least one parent will be obtained before biometric data is taken and used. If one parent objects in writing, then the school will not take or use a child's biometric data.

For more information about biometric data please refer to the ICO Guidance at the link below:

<https://www.gov.uk/government/publications/protection-of-biometric-information-of-children-in-schools>

Rights

You have the right to:

1. be informed of data processing (which is covered by this Privacy Notice)
2. access information (also known as a Subject Access Request)
3. have inaccuracies corrected
4. have information erased
5. restrict processing
6. data portability (this is unlikely to be relevant to schools)
7. intervention in respect of automated decision making (automated decision making is rarely operated within schools)
8. Withdraw consent (see below)
9. Complain to the Information Commissioner's Office (See below)

To exercise any of these rights please contact the DPO

Withdrawal of Consent

The lawful basis upon which the school process personal data is that it is necessary in order to comply with the schools legal obligations and to enable it to perform tasks carried out in the public interest.

Where the school process personal data solely on the basis that you have consented to the processing, you will have the right to withdraw that consent. Requests to withdraw consent must be made in writing and sent to the DPO at dataprotection@millais.org.uk.

Complaints to ICO

If you are unhappy with the way your request has been handled, you may wish to ask for a review of our decision by contacting the DPO.

If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted our internal review procedure. The Information Commissioner can be contacted at:

The Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire SK9 5AF.

APPENDIX A

Who we share data with and why

We do not share information about our students with anyone without consent unless the law and our policies allow 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 our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Students) (England) Regulations 2013.

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 Service

Students aged 13+

Once students reach the age of 13, the law requires us to pass student information to the local authority and / or the provider of Youth Support Services in the area 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 / student once she reaches the age 16.

Students aged 16+

We will also share certain information about students aged 16+ with 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:

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

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

A parent/carer can request that **only** their child's name, address and date of birth be passed to the provider of Youth Support Services in your area by informing the DPO. **This right is transferred to the child once she reaches the age 16.**

For more information about services for young people, please go to the local authority website <https://www.westsussex.gov.uk/about-the-council/council-services/childrens-services>.

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils 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 Pupils) (England) Regulations 2013.

To find out more about the NPD, go to:

<https://www.gov.uk/government/publications/national-pupil-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 Department 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-pupil-database-requests-received>

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

Clinical Commissioning Groups (CCGs)

We are required, by law, to pass certain information about our students to CCGs.

CCG's use information about pupils for research and statistical purposes, to develop, monitor and evaluate the performance of local health services. These statistics will not identify individual pupils. It is necessary for certain health information about children (for example, such as their height and weight) to be retained for a certain period of time (designated by the Department of Health) and requires these CCGs to maintain children's names and addresses for this purpose. CCGs may also provide individual schools and Local Authorities (LAs) with aggregated health information which will not identify individual children.

Local Authority - education and training

We are required, by law, to pass certain information about our students to local authorities.

The LA holds information about young people living in its 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 education need or disability). Education institutions and other public bodies (including the Department for Education (DfE), police, probation and health services) may pass information to the LA to help them to do this.

The LA shares some of the information it collects with the Department for Education (DfE) to enable them to; produce statistics, assess performance, determine the destinations of young people after they have left school or college and to evaluate Government funded programmes.

The LA may also share information with post-16 education and training providers to secure appropriate support for them. They may also share data with education establishments which shows what their students go on to do after the age of 16.

If you want to see a copy of information about you that the LA holds, please contact the Data Protection Officer: FOI@westsussex.gov.uk

Local Authority – social services

In order to comply with our statutory safeguarding duties we are required, by law, to pass certain information about our students to local authorities. Information will only be shared where it is fair and lawful to do so.

If you want to see a copy of information about you that the LA holds, please contact the Data Protection Officer: FOI@westsussex.gov.uk

Police, Fire and Rescue Service, Ambulance Service and other emergency or enforcement agencies

In order to comply with our duty of care to students, our statutory safeguarding duties and our obligations in respect of the prevention and detection of crime, we may also share personal data with other statutory and partnership agencies.