



## General Data Protection Regulation (GDPR) Privacy Notice

Dear Parent / Carers

### Who processes your information?

The Hermitage School is part of The SWAN Trust. The SWAN Trust is the data controller of the personal information you provide to us. This means the Trust determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed.

In some cases, your data will be outsourced to a third-party processor e.g. external clubs; however, this will only be done with your consent, unless the law requires the school to share your data. Where the school outsources data to a third-party processor, the same data protection standards that The SWAN Trust upholds are imposed on the processor.

Shana Hall is the Data Protection Officer (DPO). The DPO's role is to oversee and monitor the Trust's data protection procedures, and to ensure they are compliant with the General Data Protection Regulation (GDPR), they can be contacted via the Trusts central offices or [admin@swantrust.co.uk](mailto:admin@swantrust.co.uk)

The postal address for The SWAN Trust central office is c/o Beaufort Primary School, Kirkland Avenue, Woking, Surrey, GU21 3RG.

### Which data is collected?

The categories of pupil information that the school and the SWAN Trust collects, holds and shares include the following:

- personal identifiers and contacts (e.g. name, unique pupil number, contact details and address)
- characteristics (e.g. ethnicity, language, nationality, country of birth and free school meal eligibility)
- safeguarding information (e.g. court orders and professional involvement)
- Special Educational Needs (SEN) and/or English as an Additional Language (EAL) (including the needs and ranking)
- medical and administration (e.g. doctors' information, child health, allergies, medication and dietary requirements)
- attendance (e.g. sessions attended, number of absences, absence reasons and any previous schools attended)
- assessment and attainment (e.g. Key Stage 1 and phonics results and any other relevant results)
- behavioural information (e.g. exclusions and any relevant alternative provision put in place)

This list is not exhaustive, to access the current list of categories of information we process please contact the School Office.

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

We collect and use pupil information under section 537A of the Education Act 1996, and section 83 of the Children Act 1989. We also comply with Article 6(1)(c) and Article 9(2)(b) of the General Data Protection Regulation (GDPR).

The SWAN Trust holds the legal right to collect and use personal data relating to pupils and their families, and we may also receive information regarding them from their previous school, the Local Authority (LA) and/or the Department for Education (DfE). We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK law, including those in relation to the following:

- Article 6 and Article 9 of the GDPR
- Education Act 1996
- Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013

In accordance with the above, the personal data of pupils and their families is collected and used for the following reasons:

- to support pupil learning
- to monitor and report on pupil attainment progress
- to provide appropriate pastoral care
- to assess the quality of our service
- to keep children safe (e.g. food allergies, emergency contact details)
- to meet the statutory duties placed upon us for DfE data collections

The use of this information for these purposes is lawful for the following reasons:

- The SWAN Trust is under a legal obligation to collect the information or the information is necessary for us to meet legal requirements imposed upon us such as our duty to safeguard pupils
- it is necessary for us to hold and use information for the purposes of our functions in providing schooling and so we can look after our pupils. This is a function which is in the public interest because everybody needs to have an education. This means we have a real and proper reasons to use your information
- we will not usually need your consent to use your information. However, if at any time it appears to us that we would like to use your personal data in a way which means that we would need your consent then we will explain to you what we want to do and ask you for consent. This is most likely to be when we are involved in activities which are not part of our job as a Trust, but we are involved because we think it would benefit our pupils. If you give your consent, you may change your mind at any time

When we collect personal information on our forms, including registration forms when a child first joins our school, we will make it clear whether there is a legal requirement for you to provide it and whether there is a legal requirement on the side of the Trust to collect it. If there is no legal requirement then we will explain why we need it and what the consequences are if it is not provided. Where consent is required, the school will provide you with specific and explicit information with regards to the reasons the data is being collected and how the data will be used.

## **How long is your data stored for?**

Personal data relating to pupils at The SWAN Trust and their families is stored in line with the Trust's Data Protection Policy.

We hold pupil's data securely for the set amount of time shown in our data retention schedule. Your education records are securely stored until you change school. The records will then be transferred to the new school, where they will be retained until you reach the age of 25, after which they are destroyed. For more information on our data retention schedule and how we keep our data safe, please visit <https://www.hermitage.surrey.sch.uk/>

## **Will my information be shared?**

The SWAN Trust will not share your personal information with any third parties without your consent, unless the law allows us to do so. The school routinely shares pupils' information with:

- pupils' destinations upon leaving the school
- the Local Authority (LA)
- the NHS
- the Department for Education (DfE)

We are required by law, to provide information about our pupils 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 National Pupil Database (NPD). The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

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 pupil 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 how the DfE uses your data and the NPD please see the 'How Government uses your data' section later in this document.

We will be sharing your child's data with you to enable you to understand the educational progress of your child. Where appropriate, we will listen to your child's views regarding the sharing of their data. We will also take family circumstances into account, in particular where a Court has decided what information a parent is allowed to have.

We will, where appropriate also disclose your personal data to:

- your child's new school if you move schools

- disclosures connected with SEN support (e.g. non-LA professionals)
- school nurse/ immunisation team
- Child and Adolescent Mental Health Service (CAMHS)

This is not an exhaustive list.

The information disclosed to these people/services will include sensitive personal information about your child. Usually this means information about health and any special educational needs or disabilities which your child may have. We do this because these people need the information so that they can support you and your child.

Our disclosure of personal data is lawful for the following reasons:

- the Trust is under a legal obligation to disclose the information or disclosing the information is necessary for us to meet legal requirements imposed upon us such as our duty to look after our pupils and protect them from harm
- it is necessary for us to disclose your information for the purposes of our functions in providing schooling. This is a function which is in the public interest
- we have a legitimate interest in disclosing your information because it is necessary in order to provide our pupils with education and pastoral care and connected purposes as outlined above
- we will not usually need consent to disclose pupil information. However, if at any time it appears to us that we would need consent then this will be sought before a disclosure is made

We do not normally transfer personal information to a different country which is outside the European Economic Area. This would only happen if one parent lives abroad or if your child moves to a new school abroad. In such a case we will take steps to ensure that it is safe to transfer your information. We will look at whether the other country has good data protection laws for example. If we cannot be sure that it is safe, then we will talk to you about it and make sure that you are happy for us to send your information. As this is not something we normally do, and we don't know which country we might need to send your information to, we cannot tell you more about it now but if we want to transfer your data to a different country then we will tell you whether or not we think it is safe and why we have decided that.

### **What are your rights?**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record please see the Data Protection Policy on the school's website for the request form. The school will, on an annual basis, share individual Data Collection Sheets with you in order to ensure that our records are accurate and up to date.

You also have the right:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics

- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

Where the processing of your personal data is based on your consent, you have the right to withdraw this consent at any time.

If you have a concern about the way the SWAN Trust is collecting or using your personal data, we ask that you raise your concern with us in the first instance by contact the DPO Shanna Hall at [admin@swantrust.co.uk](mailto:admin@swantrust.co.uk) . Alternatively, you can contact the Information Commissioner's Office (ICO) at <https://ico.org.uk/concerns/>.

For further information on how to request access to personal information held centrally by the DfE, please see the 'How Government uses your data' section later in this document.

### **Where can you find out more information?**

If you would like to find out more information about how we collect, use and store your personal data, please visit our website to view our Data Protection Policy.

### **How Government uses your data**

The pupil data that we lawfully share with the 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 (e.g. Pupil Progress measures).
- supports 'longer term' research and monitoring of educational policy (e.g. 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 DfE go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

### The National Pupil Database (NPD)

Much of the data about pupils in England goes on to be held in 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.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

### Sharing by the Department

The law allows the Department 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's NPD data sharing process, please visit:  
<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly one per year to the Police.

For information about which organisations the Department 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 DfE hold about you

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department:

- 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, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

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

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 September 2019.

Sincerely

Mrs Elaine Cooper  
CEO, The SWAN Trust