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		Approval:	

GENERAL DATA PROTECTION REGULATION (GDPR) SUMMARY PRIVACY NOTICE v20201201 (+CV19)

Who processes your information?

The Bishop's Stortford High School (TBSHS) is the data controller of the personal information you provide to us. This means the school determines the purposes for which, and the manner in which, any personal data relating to students and their families is to be processed.

In some cases, your data will be outsourced to a third party processor; 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 TBSHS upholds are imposed on the processor.

Why do we collect and use your information?

TBSHS holds the legal right to collect and use personal data relating to students and their parents/carers, and we may also receive information regarding them from their previous school, 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 General Data Protection Regulation (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 Students) (England) Regulations 2013

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

- To decide who to admit to the school and maintain a waiting list
- To support student learning
- To monitor and report on student progress
- To provide appropriate pastoral care
- To assess the quality of our service
- To comply with the law regarding data sharing
- To safeguard students

What data is collected?

The categories of student information that the school collects, holds and shares include the following:

- Personal information for students, parent / carer (such as name, unique student number, address, telephone number and email address)

- Information from parent / carer relating to identity, marital status, employment status, religion, ethnicity, language, entitlement to certain benefits, information about court orders in place affecting parenting arrangements for students
- Characteristics of students (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Any relevant medical information
- Information relating to special educational needs
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as national curriculum assessment results)
- Behavioural information (such as number of temporary exclusions)
- Post-16 learning information

Whilst the majority of the personal data you provide to the school is mandatory, some is provided on a voluntary basis. When collecting data, the school will inform you whether you are required to provide this data or if your consent is needed. 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 students at TBSHS and their families is stored in line with the school's Information Records Management (IRM) policy.

In accordance with the GDPR, the school does not store personal data indefinitely; data is only stored for as long as is necessary to complete the task for which it was originally collected.

Will the information be shared?

The school is required to share students' data with the DfE on a statutory basis. The National Pupil Database (NPD) is managed by the DfE and contains information about students in schools in England. TBSHS is required by law to provide information about our students to the DfE as part of statutory data collections, such as the school census; some of this information is then stored in the NPD. The DfE may share information about our students from the NPD with third parties who promote the education or wellbeing of children in England by:

- Conducting research or analysis.
- Producing statistics.
- Providing information, advice or guidance.

The DfE has robust processes in place to ensure the confidentiality of any data shared from the NPD is maintained. To find out more about the student information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

TBSHS 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 students' and parent / carer information with:

- Students' destinations upon leaving the school
- The LA
- The National Health Service (NHS)
- The DfE
- The Education and Skills Funding Agency (ESFA)

Youth support services - What is different about students aged 13+?

Once our students reach the age of 13, we also pass student information to the 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/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 he/she reaches the age 16.

Temporary Addition - Coronavirus Test and Trace

The development of the NHS Test and Trace scheme is a key part of the government's plan to manage Coronavirus. As a private individual, compliance with the scheme may be optional, so that an individual cannot be forced to provide details when visiting some types of establishments. However, schools are public authorities and have a legal duty to protect and promote the welfare of pupils, as well as a duty of care to staff. We are required to manage confirmed cases of coronavirus (COVID-19) amongst the school community to contain any outbreak by engaging with the NHS Test and Trace process and by following local health protection team advice.

If a person in a school has COVID-19 or symptoms of the virus they will be sent home, as will other people in school who have had contact with this individual and who may be at risk. In a school setting, it is unlikely that any one individual will know the details of others around them who may have been affected. It is only the school that will have that data. We would notify individuals about a risk, and in many instances that will be sufficient.

However, the Department for Education guidance says:

'As part of the national test and trace programme, if other cases are detected within the child or young person's cohort or in the wider education or childcare setting, Public Health England's local Health Protection Teams will conduct a rapid investigation and will advise schools and other settings on the most appropriate action to take.'

If a case or suspected case of Coronavirus arises in our school then it may be necessary for us to share contact data of employees, pupils/students, contractors or visitors with NHS Test and Trace workers in order to make the process as effective as possible. Although at no point will we share data without a sound legal basis, in this situation it is not a matter of giving consent to share data, as there is a Public Duty to do so. This data will usually only consist of names and contact details, e.g. email address and/or telephone number.

We will therefore be sharing data on the basis that this is a Public Duty and, in the case of any health data, that it is necessary for the public interest, as set out below. It will only be used and retained in line with national guidelines and the applicable data protection laws. Where data needs to be shared we will:

- only share data with the relevant authorities
- verify the identity of persons requesting personal data
- limit the data shared to the minimum necessary
- ensure the data is kept secure, and only share via secure methods
- keep a record of the data shared, under the strictest confidence
- notify any individuals whose data has been shared (where possible)

NHS Test and Trace and the Law

The law on protecting personally identifiable information, known as the General Data Protection Regulation (GDPR), allows Public Health England to use the personal information collected by NHS Test and Trace. The section of the GDPR that applies is:

Article 6(1)(e) – *'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller'*

As information about health is a special category of personal information, a further section of the GDPR applies:

Article 9(2)(i) – ‘processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare’

Public Health England also has special permission from the Secretary of State for Health and Social Care to use personally identifiable information without people’s consent where this is in the public interest. This is known as ‘Section 251’ approval and includes the use of the information collected by NHS Test and Trace to help protect the public from coronavirus. The part of the law that applies here is Section 251 of the National Health Service Act 2006 and the associated Health Service (Control of Patient Information) Regulations 2002.

The privacy notice for the service can be found here: <https://contact-tracing.phe.gov.uk/help/privacy-notice> .