

Privacy Notice for Parents/Carers

For public viewing

Link to other policies and documents:

- Privacy Notice Supplement: Coronavirus Track & Trace
- Data Protection Policy
- CCTV Policy
- Data Retention Policy & Schedule
- Subject Access Request Policy
- Data Security Policy
- Data Handling Policy and Procedure

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Introduction

Under data protection law, individuals have a right to be informed about how the Trust uses any personal data that we hold about them. We comply with this right by providing privacy notices (sometimes called fair processing notices) to individuals where we are processing their personal data. This privacy notice explains how and why we collect, store and use personal data about parent/carers

We, Zest Academy Trust are the 'data controller' for the purposes of data protection law. The Trust is registered as a data controller with the Information Commissioners Office (ICO). Our registration number is Z3239207

This Privacy Notice relates to Zest Academy Trust, its Academy – Waterloo Primary Academy and any other Academy which joins the Trust in the future (hereafter referred to as the 'Trust').

Our data protection officer is The Schools People (see 'Contact us' below).

Definition of Parent

The term 'Parent' is widely defined in education law to include the natural or adoptive parents (regardless of whether parents are or were married, whether a father is named on a birth certificate or has parental responsibility for the pupil, with whom the pupil lives or whether the pupil has contact with that parent) and includes non-parents who have parental responsibility for the pupil, or with whom the pupil lives.

It is, therefore, possible for a pupil to have several 'parents' for the purposes of education law. This privacy notice also covers other members of pupils' families who we may process data about from time to time, including, for example, siblings, aunts and uncles and grandparents.

1. Data Protection Principles

Personal Data must be processed in accordance with the six Data Protection Principles. It must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

2. Types of Data We Collect

The categories of Parent/Carer information that we collect, process, hold, and share include, but is not limited to:

- Personal information such as name, address, telephone numbers and email address, other named family/friend contact details, nationality, language.
- Information relating to your identity - e.g. DBS checks for volunteers and parent club providers.

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- Eligibility for free school meal, pupil premium, entitlement to certain benefits and information about court orders in place affecting parenting arrangements for pupils.
- Information provided within communications with the Trust.
- Information related to court orders or care orders.

We may also collect, store and use information about you that falls into ‘special categories’ of more sensitive personal data. This may include information about (where applicable):

- Race, ethnicity, religious beliefs, sexual orientation and political opinions.
- Disability, health and access requirements.

3. Collecting this Data

We collect parent/carer information from:

- Application/admissions forms
- Social Services either in Blackpool or other Local Authorities if a child is “Looked After”, “Previously Looked After” or subject to a Special Guardianship Order.
- The Local Authority or local hospital trust if a child on roll has/had an assessment because of their Special Educational Needs and/or Disabilities
- Correspondence with the School including messaging systems
- Authorisation for trips and other enrichment activities

In addition, the Trust also uses CCTV cameras around the site for security purposes and the protection of staff, pupils and other stakeholders.

While the majority of information we collect about parents/carers is mandatory, there is some information that may be provided voluntarily.

Whenever we seek to collect information from parents/carers, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying. If you fail to provide certain information when requested, we may be prevented from complying with our official or legal obligations.

4. Why we Collect this Information

We collect information to safeguard our users, promote the objects and interests of the Trust, facilitate the efficient operations, and ensure that all relevant legal obligations of the Trust are complied with. For example, we collect data to:

- decide who to admit
- maintain a waiting list
- support pupil learning
- monitor and report on pupil progress
- provide appropriate pastoral care
- assess the quality of our services
- comply with the law regarding data sharing
- ensure the protection and welfare of pupils and others in the school, including our safeguarding/child protection obligations

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- send you communications that may be of interest to you which may include information about school events or activities, news, campaigns, appeals, other fundraising activities
- respond to investigations from our regulators or complaints raised by our stakeholders
- respond to any legal proceedings threatened or commenced against the Trust

5. Automated Decision Making

Automated decision-making takes place when an electronic system uses personal information to make decisions without human intervention. We are permitted to use automated decision-making in limited circumstances.

We **do not** envisage that any decisions will be taken about you using automated means, however, we will notify you in writing if this position changes.

6. Our Lawful Basis for Using This Data

We only collect and use personal data when the law and our policies allow us to do so. We process general category data where:

- The data subject, or a person with the lawful authority to exercise consent on the data subject's behalf, has given explicit consent
- Processing is necessary for a contract, we have with you, or because it is necessary to take steps before entering into a contract with you
- Processing is necessary for us to comply with a legal obligation.
- Processing is necessary to protect your vital interest or that of another person.
- Processing is necessary for us to perform a task in the public interest or for our official functions, and this task or function is lawful

We process special category data where

- The data subject, or a person with the lawful authority to exercise consent on the data subject's behalf, has given explicit consent
- Processing is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent
- The processing relates to personal data which are manifestly made public by the data subject
- Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity
- Processing is necessary for reasons of substantial public interest, based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject
- Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

Some of the reasons listed above for collecting and using personal data overlap, and there may be several grounds which justify our use of this data.

7. Criminal Proceedings/Convictions or Child Protection/Safeguarding Issues.

This information is not routinely collected and is only likely to be processed by the Trust in specific circumstances relating to particular pupils, for example, if a child protection issue arises or if a Parent/Carer is involved in a criminal matter.

Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and/or the Police.

Such information will only be processed to the extent that it is lawful to do so, and appropriate measures will be taken to keep the data secure.

8. CCTV

We use CCTV in various locations around the Trust site. The purpose of the system is to prevent crime and promote security and public safety. If in the event of viewing CCTV for the specified purpose, a safeguarding or criminal action is observed, the CCTV can and may be used to support any subsequent investigation.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

CCTV images will be retained for 14 days. After this period images will be permanently deleted unless they are required and retained for an ongoing investigation. For example, if an incident or crime has been recorded. In such cases, the images will be retained until the conclusion of any actions or criminal proceedings arising from the incident.

For more information about the Trust's use of CCTV please refer to Trust's ***CCTV Policy***

Any enquiries about the CCTV system should be directed to the ICT Manager.

9. Consent

We may process your personal information without your knowledge or consent, in compliance with the above lawful bases (section 6) where this is required or permitted by law and our policies.

We will ask for consent to process personal data where there is no other lawful basis for processing it. For example, to send you promotional/marketing material related to the Trust.

If we do request your consent, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

10. Change of Purpose

We will only use your personal information for the purposes for which it was collected unless we reasonably consider that we need to use it for another reason, and that reason is compatible with the original purpose.

If we need to use your personal information for an unrelated purpose we will notify you and we will explain the legal basis which allows us to do so, or seek your consent if necessary before the processing.

11. Storage and Retention of Personal Data

A significant amount of personal data is stored electronically. Some information may also be stored as hard copy.

All data is stored and accessed in accordance with the Trust's ***Data Security Policy and Data Handling Policy and Procedure***.

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including satisfying any legal, accounting, insurance or reporting requirements. Details of retention periods for different aspects of your personal information are available in our ***Data Retention Schedule***.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances, we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

When your time as a Trust parent/carer comes to an end, we will retain and securely destroy your personal information in accordance with our ***Data Retention Policy and Schedule***.

12. Sharing Personal Data

We do not share parent/carer information with anyone without consent unless the law and our policies allow us to do so. We routinely share parent/carer information with:

- schools that pupils attend after leaving us
- the Local Authorities pupils move to where the child is in care or subject to a special guardianship order for example.

From time to time, we may also share parent/carer information with other organisations including:

- a pupil's home local authority (if different)
- the Department for Education (DfE)
- School Governors

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- the Police and law enforcement agencies
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers
- Courts, if ordered to do so
- Prevent teams in accordance with the Prevent Duty on schools
- Other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances
- our legal advisors
- our insurance providers.

Other third-party service providers

We also share limited personal data with third-party service providers who require access to data in order to perform contracted services. These service providers include:

- ParentPay
- SIMS (Management Information System)
- Any other third-party services/service providers that we will inform you of from time to time

These third-party service providers act as data processors on the Trusts behalf and are required to take appropriate security measures to protect your personal information in line with our policies and data protection legislation. We authorise these service providers to use personal data only as necessary to perform services on our behalf, or to comply with legal obligations if necessary.

13. Transferring Data Outside the European Economic Area (EEA)

We do not routinely share data with organisations outside the EEA. Where this may be necessary, data will be transferred explicit consent from the parent/carer and with appropriate safeguards.

Under exceptional circumstances, we will only transfer personal data outside the European Economic Area (EEA) if such transfer complies with the GDPR. This means that we will not transfer any personal data outside the EEA unless:

- The EU Commission has decided that another country or international organisation ensures an adequate level of protection for personal data
- One of the derogations in the GDPR applies (including if an individual explicitly consents to the proposed transfer).

14. Data Security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used, or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, consultants, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

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We have in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so and in accordance with our ***Data Security Policy and Breach Procedure***.

15. Your Data Subject Rights

You have the right to:

- Make a Subject Access Request (SAR) (see below)
- Withdraw your consent to processing at any time
- Ask us to rectify, erase or restrict processing of your personal data, or object to the processing of it (in certain circumstances)
- Prevent use of your personal data for direct marketing
- Challenge processing which has been justified based on public interest
- Request a copy of agreements under which your personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling. (see section 5 above)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances).

Your Duty to Inform us of Changes

The personal information we hold about you must be accurate and current. Please keep us informed if your personal information changes.

Subject Access Requests

Under data protection legislation, individuals have the right to request access to their personal data held by the Trust. Subject Access Requests may be made in written form or verbally.

If you would like to make a SAR in relation to your own personal data it would be helpful if this could be made in writing to the Headteacher, including:

- name and contact address
- email address and telephone number
- details of the information required.

A helpful '***Guide to Making A Subject Access Request***' is available from the office, or as a download from the website. It ***is not*** mandatory to make a Subject Access Request using the form. It will, however, assist you in structuring your SAR to provide the information necessary to ensure we can action your request without delay.

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Fulfilling A Subject Access Request

The lawful time scales for the Trust to respond to a Subject Access Request is one calendar month from receipt of a ‘**valid**’ SAR.

A SAR is only considered ‘**valid**’ when we are fully satisfied regarding the identity of the requester and their entitlement to the data requested. If in any doubt we will request confirmation of identity to ensure your personal data is not inadvertently released to a third-party who is not entitled to it.

If the SAR is complex or numerous, the period in which we must respond may be extended by a further two months. You will be notified of any delays in actioning the SAR and provided with a timeframe in which you can expect to receive the requested data.

Fees

You will **not** have to pay a fee to access your personal information (or to exercise any of your other data subject rights). However, we may charge a reasonable fee if your access request is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

Exercising Other Data Subject Rights

If you wish to review, verify, correct or request the erasure of your personal information; object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Trust in the first instance (details below).

The Right to Withdraw Consent

Where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, and there is no other applicable lawful basis for processing the data, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Trust directly.

Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

16 Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

If you have any concerns that we are not able to resolve to your satisfaction you can contact our Data Protection Officer at the address below

Alternatively, you can register your concern with the UK’s data protection regulator - the Information Commissioner’s Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/your-personal-information-concerns/>

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- Call 0303 123 1113
- Or write to Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

17. Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our Data Protection Officer

Data Protection Officer: Dee Whitmore, The Schools People

Email: DPOService@schoolspeople.co.uk

Tel: 01773 851078

Address: The Schools People
44 Tyndall Court
Peterborough
PE2 6LR

Data Controller: Zest Academy Trust

C/O Waterloo Primary Academy
Waterloo Road
Blackpool
Lancashire
FY4 3AG

Data Controllers Representative: Mrs Nicola Lea

Email: hr@zestacademytrust.co.uk

Tel: 01253 600656

18. Changes to this Privacy Notice

This Notice will be reviewed on a yearly basis or as necessary in relation to changes in Data Protection legislation.

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates.

We may also notify you in other ways from time to time about the processing of your personal information.

Effective Date: January 2020

Last update: January 2020

Review Date: January 2021