

Privacy Notice

How we use 'Children in Need' and 'Children Looked After' Information

For public viewing

Link to other policies and documents:

- Privacy Notice for parents/carers: How we use your child's personal data'
- Data Protection Policy
- Data Retention Policy & Schedule
- Subject Access Request Policy

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Zest Academy Trust

Privacy Notice: How we use 'Children in Need' and 'Children Looked After' personal data

Introduction

This Privacy Notice supplements and should be read alongside the 'Privacy Notice for parents/carers: How we use your child's personal data', which is available on our website or from the office.

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 'children in need' and 'children looked after'.

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).

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. The Personal Data we Hold

Personal data that we may collect, create, use, store and share (when appropriate) about 'children in need' and 'children looked after' includes, but is not restricted to:

- personal identifiers such as name, contact details, date of birth, unique pupil number
- characteristics such as gender, ethnicity and disability
- episodes of being a child in need (e.g. referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information)
- episodes of being looked after such as important dates, information on placements
- outcomes for looked after children such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending

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- adoptions such as dates of key court orders and decisions
- care leavers such as their activity and what type of accommodation they have
- Special Educational Needs Information
- behavioural information

We may also hold data about 'children in need' and 'children looked after' which we have received from other organisations, including other schools, local authorities and the Department for Education.

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

- Characteristics (such as ethnicity, nationality)
- Health information including any disability, medical conditions, and sickness records

3. Collecting Personal Data

We collect student personal data from:

- Previous schools
- Local Authority
- Department for Education
- Health care providers

While the majority of information we collect about 'children in need' and 'children looked after' is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you 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 (e.g. such as meeting your child's SEN needs).

4. Why We Use This Data

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

- Support these children and monitor their progress
- Provide appropriate pastoral care
- Assess the quality of our services
- Evaluate and improve our policies on Children's Social Care

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 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 ‘children in need’ and ‘children looked after’ personal data when the law allows us to. Most commonly, we process general category personal data where:

- We need it to perform an official task in the public interest or the exercise of official authority vested in the controller (Article 6(1)(e) of the GDPR)

We process special category data where:

- We need it for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes (Article 9(2)(j) of the GDPR)

In the case of special categories of data, the specific powers that apply are Section 83 of the Children Act 1989, Section 7 of the Young People’s Act 2008 and also under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013. Under these powers, we are required to provide Local Authorities (LAs) with some of the information we hold on children receiving care and support, including those looked after, and for the LA to share that data with the DfE to enable research in support of its statutory functions.

7. Data Storage and Retention

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

All data is stored and accessed under the Trust’s **Data Security Policy** and **Data Handling Policy and Procedure**.

We will only retain personal data relating to about ‘children in need’ and ‘children looked after’ for as long as necessary to fulfil the purposes we collected it for, including satisfying any legal, accounting, insurance or reporting requirements.

When ‘children in need’ and ‘children looked after’ transfer to a secondary school their school file will transfer with them; a copy will not be retained by the Trust.

Details of retention periods for different aspects of personal data are available in our **Data Retention Policy**.

8. Data Sharing

We do not share information about ‘children in need’ and ‘children looked after’ with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information with:

- Our local authority (Blackpool) – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions and to fulfil our public interest tasks.
- A pupil's home Local Authority (if different)
- The Department for Education – to meet our legal obligations eg to report on student progress

9. The Department for Education

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 in need and children looked after with the Department for Education (DfE) on a statutory basis, under Section 83 of 1989 Children's Act, Section 7 of the Young People's Act 2008 and also under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current [government security policy framework](#).

For more information, please see 'How Government uses your data' section below.

10. Requesting Access to Your Personal Data

Under data protection legislation, individuals have the right to request access to information about them that we hold. To make a Subject Access Request for 'children in need' and 'children looked after' personal data please contact the Trust directly.

Depending on the lawful basis for processing in section 6 above, you may also have the right to:

- object to the processing of your child's personal data that is likely to cause, or is causing, damage or distress
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- seek redress, either through the ICO or through the courts

11. Concerns

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.

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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/>
- Tel: 0303 123 1113
- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

12. 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 Office: 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

13. Changes to this Privacy Notice

This Privacy Notice will be reviewed every year or as necessary in relation to changes in Data Protection legislation.

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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: May 2018

Last update: September 2020

Review Date: September 2021

How the Government uses your data

The data that we lawfully share with the DfE through data collections helps to:

- develop national policies
- manage local authority performance
- administer and allocate funding
- identify and encourage good practice

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education go to:

Children in need: <https://www.gov.uk/guidance/children-in-need-census>

Children looked after <https://www.gov.uk/guidance/children-looked-after-return>

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

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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 1 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/dfе-external-data-shares>

How to find out what personal information DfE hold about you

Under the terms of the Data Protection Act 2018, you're 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>