



Students, Parents and Carers Privacy Notice

Who is the Data Controller for the processing of my personal data?

Middlewich High School is the Data Controller for any of the personal data processed – that is collected, stored or otherwise used - by the school. This means we are responsible for making decisions about what data we collect, how we use it, who we share it with and how long we keep it.

Why Do You Need My Information?

The School collects and processes personal data (including special category data) about students and parents for a range of purposes linked to our responsibility to educate and develop young people. These are:-

- For the purposes of student admission (and to confirm the identity of prospective students and their parents);
- to monitor and report on student progress
- to provide appropriate pastoral care
- To provide education services and extra-curricular activities to students, and monitoring students' progress and educational needs;
- To derive statistics which inform decisions related to the funding of schools and the management of our budget;
- To safeguard students' welfare and provide appropriate pastoral (and where necessary medical) care;
- To give and receive information and references about past, current and prospective students, and to provide references to potential employers of past students;
- In order to manage internal policy and procedure;
- To enable students to take part in national or other assessments, and to publish the results of public examinations or other achievements of students of the school;
- For the purposes of management planning and forecasting, research and statistical analysis, including those imposed or provided for by law (such as diversity analysis);
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with legal obligations and duties of care;
- To enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate (for example Ofsted);
- To monitor (as appropriate) use of the school's IT and communications systems in accordance with the school's IT security policy;
- To make use of photographic images of students in school publications, on the school website and (where appropriate) on the school's social media channels;
- To allow students to take part in appropriate school trips, visits and other school organised events;
- To provide appropriate pastoral care;
- To comply with our responsibilities for the prevention and detection of crime
- For security purposes, including CCTV in accordance with the school's CCTV policy; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

Whilst the majority of information we collect and use is mandatory, some of it is provided to us by parents or students on a voluntary basis.

We will always inform you whether you are required to provide certain information to us or where you have a choice as to what information we can use.

What information do we use?

What do we collect?	What is it?	How do we collect it?
Personal Information	<p>This is information such as:</p> <ul style="list-style-type: none"> ● Name, student number, date of birth, gender and contact information; ● Emergency contact and family lifestyle information such as names, relationship, phone numbers and email addresses; 	<p>Most of this information will have been provided when students join the school and kept up-to-date by the contact detail forms sent home to parents each year.</p>
Characteristics	<p>This includes information such as</p> <ul style="list-style-type: none"> ● gender ● age ● nationality ● ethnic group ● religion ● free school meal eligibility 	<p>The majority of this information will have been provided when students join the school.</p>
Educational details	<p>We collect and use information relating to studies and behaviour. Some of this information we collect so that we can understand how students are performing and some of it we are required to report to the Local Authority or the government so they know such things as how many</p>	<p>This information is collected as student's progress through their time with the school and is based on their attendance, performance and development.</p> <p>Information is collected from a variety of day to day sources such as class registers, test results, reports and assessments.</p>

	<p>students we have. This information includes:</p> <ul style="list-style-type: none"> • Attendance details (such as sessions attended, number of absences and reasons for absence); • Performance and assessment information; • Behavioural information (including exclusions); • Special educational needs information. 	
Medical information	<p>As well as details of any sickness absence a student may have had, parents and students may have also provided us with details of any illness or condition they may have or medication they are required to take.</p> <p>In the majority of cases, they have provided this information voluntarily so that we are aware of how we can offer any assistance</p>	Information may be provided by parents or carers at any point during a child's time with the school.
Photographs and CCTV	<p>As the school operates CCTV cameras, students will regularly be captured by them during the day and as they move around the school. Details of how we handle CCTV footage can be seen in Section 9.</p> <p>We also capture images of students engaging in school activities, but we will ask for parental consent to ensure parents are happy for photos of</p>	<p>CCTV is captured on school property on daily basis.</p> <p>Where photographs of students are taken, parents are informed and consent is sought for their use.</p>

	students to be used and under what conditions.	
Computer use	In order to safeguard the school's IT system from attack or misuse, we automatically monitor such things as websites visited, this means that if there is a problem, we can trace the accessing of inappropriate or infected material back to an individual.	Monitoring of access to websites etc. is automatic.

Purpose and legal basis for collecting and using this information

We collect and use this information for a variety of purposes and under a number of different legal bases. The legal basis is what allows us to process personal data.

The legal bases we used can be summarised as:

Legal Basis	When	What allows us
Public Task	<ul style="list-style-type: none"> When we collect and use personal data in order to fulfil part of our function as a school, for example when we are required to use information under the Education Act 2002 as part of our official authority as a school. 	Official Authority or Public Task is covered by article 6(1)(e) of the GDPR.
Legal Obligation	<ul style="list-style-type: none"> For example, where we need to comply with health and safety laws. 	Legal obligation is covered by article 6(1)(c) of the GDPR.
Contract	<ul style="list-style-type: none"> To enter into a contract with you and to meet our obligations under that contract. For example, we need to process your data in order to provide a specific service which we do under contract, this could be the hiring 	Contract is covered by article 6(1)(b) of the GDPR.

	of musical instruments for an arranged period.	
Legitimate Interest	<ul style="list-style-type: none"> In other cases, the school has a legitimate interest in processing personal data during an individual's relationship with the school, this could be the monitoring of access to the School's computer network. 	Legitimate interest is covered by article 6(1)(f) of the GDPR.
Consent	<ul style="list-style-type: none"> There will be some cases where you give us permission to use your information and this will only be used under consent. Where we use consent we will ensure it is appropriate and that you have the right to refuse or withdraw consent at any time and that any decision you make to consent is a free one. 	Consent is covered by article 6(1)(1) of the GDPR.

Our legal obligation or public task under various laws, relating to the provision of education, includes, but is not limited to:

- The Education Act 1944, 1996, 2002
- The Education & Adoption Act 2016
- The Education (Information About Individual students) (England) Regulations 2013
- Education and Skills Act 2008
- Education (Pupil Registration) (England) Regulations 2006
- Statutory Guidance for Local Authorities in England to Identify Children Not Receiving Education – February 2007)
- Education and Inspections Act 2006
- The Children Act 1989, 2004
- The Childcare Act 2006
- The Children & Families Act 2014
- Local Safeguarding Children Boards Regulations 2006 (SI 2006/90)
- The Localism Act 2011
- Contract (traded services)

- We also process data on criminal convictions and offences including information relating to criminal allegations and proceedings. Criminal Data is processed under Article 10 of the GDPR and, Schedule 1 Pt3 - 29, 33, 36 of the Data Protection Act 2018.
- Where the information we process is considered to be 'special category data' such as health data, we do so under one of the conditions of Article 9 of the GDPR. These are:

Article 9 (2)(a) -Where you have given explicit consent for this information to be used.

Article 9 (2)(b) - Where the information is required for us to fulfil our employment obligations

Article 9 (2)(d) - Where it is a legitimate activity, such as monitoring access to our ICT network

Article 9 (2)(f) - Where it would be required to establish, exercise or pursue a legal claim

Article 9 (2)(g) - Where we have identified a substantial public interest, such as the safeguarding of children

Article 9 (2)(h) – Where it is required for reasons of occupational health purposes

Who will you share my information with?

There are a number of key organisations we are required to share data with:

- the Department for Education (DfE) - on a statutory basis under section 3 of The Education (Information About Individual students) (England) Regulations 2013;
- Ofsted;
- Youth support services – under section 507B of the Education Act 1996, to enable them to provide information regarding training and careers as part of the education or training of 13-19 year olds;
- Other Schools that students have attended/will attend;
- NHS for delivery of child health services, such as inoculation programmes and school nurses. They also use information about students for data research and statistical purposes;
- NHS Digital for analysing and presenting a range of health & social care data, including height and weight of students;
- Welfare services (such as social services);
- Law enforcement officials such as police, HMRC;
- LADO;
- Training providers;
- Professional advisors such as lawyers and consultants;
- Support services (including HR support, insurance, IT support, information security, pensions and payroll);
- The local authority;
- Named third party service providers

The School always ensures that reasons for sharing data with any of these organisations are in accordance with the GDPR and put in place appropriate safeguards for any personal data transfers.

Aged 14+ qualifications

For students enrolling for post 14 qualifications, the Learning Records Service will give us a student's unique learner number (ULN) and may also give us details about the student's learning or qualifications

Data collection requirements:

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 support services

What is different about students aged 13+?

Once our students reach the age of 13, we also pass student information to 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:

- 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.

For more information about services for young people, please visit [our local authority website](#) or the [National Careers Service page](#)

Why we share student information with the DfE

We share children and young person's data with the Department for Education (DfE) on a statutory basis under section 3 of The Education (Information About Individual students) (England) Regulations 2013.

This data sharing underpins school funding, educational attainment policy and monitoring and enables them to;

- produce statistics,
- assess our performance,
- determine the destinations of young people after they have left school or college
- and to evaluate Government funded programmes.

There are also a number of data collection requirements involving the DfE that we cover in Section 6.

Why we share student information with the Local Authority

We are required to share various data with Cheshire East Council, including:

School Roll and Attendance - We share information relating to school rolls and attendance to comply with:

- Section 436A of the Education & Inspections Act 2006 which places a duty on all schools and local authorities to make arrangements to identify children not receiving education.
- The Education (Pupil Registration) (England) Regulations 2006 which govern the circumstances in which a student may be placed on or removed from a school register.
- The 2016 amendment to the Education (Pupil Registration) (England) Regulations 2006 which requires all schools within an LA to share changes to the school roll with the relevant LA. This enables the school and the local authority to ensure that all children are in receipt of suitable education. The LA exerts its right under this legislation to request the details of students who start the school in the first year of admission for the school.
- From 2007 there has been a statutory duty on all Local Authorities in England and Wales to have systems and procedures in place to monitor Children Missing Education (*current guidance Children missing education - Statutory guidance for local authorities September 2016*). Since 2007 the local authority has maintained records of the education provision of all children in the city known to Education services. Work has been undertaken by schools and the Education Welfare Service with the aim of ensuring that all children who leave our schools safely enter the education system in their new location.
- The duty to share information with the LA on children with irregular attendance is stated in section 12 of the Education (Pupil Registration) (England) Regulations 2006.
- With regards to children not attending full-time, Ofsted takes the view that there is an obligation for all schools to notify the local authority of any such arrangements for their students. This obligation was detailed for the first time in the Ofsted report students Missing Out on Education in November 2013. This includes all schools including both maintained and independent Schools.

Key Stage Data Collections

The Assessment and Reporting Arrangements (ARA) Early Years Foundation Stage – this states that all providers, schools and academies have a statutory duty to submit EYFS Profile data to their geographic local authority. The LA then has a corresponding duty to submit that information to the DfE. The ARA is issued by the Department for Education based for the following legal status:

- Section 39(1)(a) of The Childcare Act 2006 stipulates that Early Years providers must secure that their provision meets the learning and development requirements as specified in the EYFS (Learning and Development Requirements) Order 2007 (S.I. 2007/1772) (amended in 2012). The Act states that this Order can specify the arrangements which are required for assessing children for the purpose of ascertaining what they have achieved in relation to the ELGs.
- All English local authorities must have regard to any guidance given by the STA in exercising their function under the EYFS (Learning and Development Requirements) Order 2007, article 4.2. The learning and development requirements are given legal force by an Order made under section 39 (1)(a) of the Childcare Act 2006.

- Academies are required to implement the requirements of the EYFS as set out in section 40 of the Childcare Act 2006 and must comply with local authority moderation requirements. All registered Early Years providers are required to complete the EYFS assessment for any children in the final year of the EYFS and to participate in moderation. This includes an academy providing for children in the final year of the EYFS.
- The Standards and Testing Agency (STA) sets out the options for academies regarding Key Stage 1 data (including Year 1 Phonics check) in the Key Stage 1 Assessment and Reporting Arrangements. This document contains provisions made pursuant to article 9 of The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004, as amended. This order is made under section 87(3) of the Education Act 2002. This document gives full effect to, or otherwise supplements, the provisions made in the order and as such has effect as if made by the order.
- Assessment Arrangements) (England) Order 2003, SI 2003/1039 (as amended by SI 2009/1585, SI 2010/290, SI 2010/677, SI 2011/2392, SI 2012/765 and SI 2012/838). This order is made under section 87(3) of the Education Act 2002. This document gives full effect to, or otherwise supplements, the provisions made in the order and as such has effect as if made by the order. This assessment and reporting arrangement (ARA) also contains guidance and information that does not form part of the law.
- The ARAs are reviewed annually and this agreement covers the current Arrangements at the time of the data collection request.

Other statutory data for providing services

- The DfE provides an online Free School Meal Eligibility Checking Service (FSM ECS) which allows local authorities to check whether students in their area are entitled to free school meals when they make an application. The system checks information held by the relevant government departments and gives a speedy response, meaning a claim made on the FSM ECS one morning can result in a student getting their first free meal the next day.
- This data would facilitate the local authority to promote or improve the economic, social and environmental wellbeing of children and families. This will include the provision of improvements to educational opportunity as well as the reduction or elimination of risk factors for children within Leicester, (Section 2, Local Government Act 2000). This data would support the local authority to perform its functions of providing services to children and families under Part III, Section 27, of the Children Act 1989.
- This information would also contribute to ensure the provision of appropriate services for all children and young people 'in need' or at risk or likely to be at risk of suffering significant harm (Sections 17(1) and 47 (1) of the Children Act 1989) or otherwise considered to be at risk of social or educational exclusion.
- The local NHS Trust use information about students for a range of school delivered child health services such as inoculation programmes. They also use information about students for data research and statistical purposes, to monitor the performance of local health services and to evaluate and develop those services. Statistics are used in such a way that individual students cannot be identified. Information on the height and weight of individual students may however be provided to children and their parents and this will require the NHS Trust to maintain details of students' names for this purpose for a period designated by the Department of Health following the weighing

and measuring process. The NHS Trust may also provide individual schools and LAs with summary information on students' height and weight but will do so in a way that means that individual students cannot be identified.

How Long Will You Keep This Data For And Why?

We hold student data in line with our published retention schedule ([link](#)) but as a general guide, we are required to retain student data from the date of birth of the student plus 25 years.

How do you ensure the data you hold is accurate?

We have a responsibility to ensure that the data we hold is accurate and up-to-date and while we can ensure that the data the school produces about students is accurate, we must rely on parents and carers to inform us where information may change – for example if address details or contact information changes.

We take steps at the start of every new autumn term to send an information update sheet to parents and carers asking them to confirm that the information we hold is correct and, where necessary to make changes to any information that needs updating.

Should details change during the school year, we actively encourage parents and carers to notify us of those changes and not to wait to update the form the following year.

Will this information be used to take automated decisions about me

The school, the LA and DfE do not use it for these purposes]

Will my data be transferred abroad and why?

The school and the LA do not do this. The DfE would only do it if it might meet the strict conditions laid down (see above)]

Your rights

You have the right under the Data Protection Act 2018 to request a copy of your information and to know what it is used for and how it has been shared. This is called a Right of Access request.

To make a request for your personal information, or be given access to your child's educational record, contact Ms. Rebecca Dale, Data Protection Lead

rdale@mhs.school

Where we are using your personal data because of your contract of employment, you have varying rights depending on the legal basis for how we process your information. You can find out more about your rights in the 'Your Data Protection Rights' section.

Who Can I Complain To If I Am Unhappy About How My Data Is Used?

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with Rebecca Dale the DP Lead or the school's Data Protection Officer.