



## FAIR PROCESSING NOTICE (PRIVACY NOTICE)

Reference No	FPN
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**TOGETHER WE EMPOWER EXCELLENCE**

# PRIVACY NOTICE

This policy is to let you know how the Learning Academy Partnership (South West) ('the Trust') will collect, use and process Personal Data. It is also designed to let you know your rights and what you can do if you have questions about Personal Data.

The Trust is the Data Controller for the purposes of Data Protection laws.

This document sets out the types of Personal Data we handle (ie. information about an individual from which that individual can be personally identified), the purposes for handling the Personal Data and if this data is shared with third parties.

## 1. Our details

We are: The Learning Academy Partnership (South West).

Address: (Registered Office) Suite 4, Zealley House, Greenhill Way, Kingsteignton, Devon TQ12 3SB

Information Commissioner's Office Registration Number: ZA237570

If you would like to discuss the way we are collecting or using your Personal Data, we request you contact your school office in the first instance. Alternatively, the Data Protection Officer for the Trust is Mrs Rayner and she can be contacted via [dpo@lapsw.org](mailto:dpo@lapsw.org).

We collect and hold personal information relating to our pupils, parents, employees, volunteers, trainee teachers, trustees, local committee members and others. We may also receive information about pupils from their previous schools, the Local Authority, Department for Education (DfE) and other bodies linked to pupils' education, development and welfare.

We may share Personal Data with other agencies as necessary under our legal duties or otherwise in accordance with our duties/obligations as a Trust.

Whilst the majority of Personal Data we are provided with or collect is mandatory, some of it is provided to us on a voluntary basis. We will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

Below are set out the reasons why we collect and process Personal Data, as well as the legal basis on which we carry out this processing:

- **to support our pupils' learning:** we will process Personal Data to help every child achieve his or her potential in all areas of learning and to promote excellence in our teaching and learning environment.
- **monitor and report on their progress:** we will process Personal Data to record pupils' progress to help set and monitor targets and boost achievements and aspirations of all pupils.
- **provide appropriate pastoral care:** we will process Personal Data to ensure that all pupils are properly supported in their time with us. We will process data to help staff understand and respond to the unique circumstances of all pupils.

- **assess the quality of our services:** we will process Personal Data so that we may reflect on our own practices to help us improve and provide the highest quality education that we can to all pupils.
- **to ensure proper management of school trips and afterschool clubs and activities:** when pupils and parents participate in school trips and afterschool clubs and activities Personal Data will need to be processed.
- **to promote and protect health and safety:** in order to protect pupils, parents and staff in their involvement at the Trust, we must process Personal Data relating to matters such as incidents and responses to incidents.
- **to enable individuals to be paid:** to assist in the running of the Trust and to enable individuals to be paid, we will process Personal Data of those employed to teach or otherwise engaged to work at the Trust.
- **to assist with the continuing development of our recruitment and retention policies and practices:** to enable us to better our recruitment and retention policies and practices, we will process Personal Data of those currently employed by the Trust.
- **to develop our understanding of our workforce and how employees are deployed:** to help us create a fully informed, comprehensive picture of the make-up of our workforce and how each employee is utilised as a member of our workforce, we will process Personal Data of those employed to teach or otherwise engaged to work at the Trust.

## 2. Legal Basis for Processing

The lawful basis for us to collect/process this Personal Data is in order to provide education in accordance with statute law (such as the Education Act 1996 and other legislation), our funding agreements with the Secretary of State, our memorandum and articles of association and other guidance provided for in law (legal obligation)

We also process Personal Data where processing is necessary for the performance of tasks carried out in the public interest. It is in the public interest to provide educational services to our pupils and to offer extra-curricular activities such as reading sessions and afterschool clubs to benefit the personal and academic growth of our pupils (public task).

An additional lawful basis for us to collect/process employees' Personal Data is by reason of necessity for the performance of a contract of employment to which the Data Subject is party, or in order to take steps at the request of the Data Subject prior to entering into a contract (contract).

In addition, Personal Data will be collected and/or processed for the purposes of relevant contracts for the provision of services which are paid for. This may include but is not limited to:

- the provision of music tuition;
- school trips;
- entering students for examinations.

We do not process any special categories of Personal Data except where necessary for reasons of substantial public interest in complying with legal obligations including under the Equality Act 2010 or where necessary to protect the vital interests of the Data Subject or of another natural person and where safeguards are in place to ensure that this Personal Data

is kept secure. For the avoidance of doubt, where special categories of Personal Data are collected it shall not be used for the purposes of automated decision making and/or profiling.

Special categories of data means Personal Data revealing:

- racial or ethnic origin;
- political opinions; religious or philosophical beliefs or trade union membership;
- genetic or biometric data that uniquely identifies you;
- data concerning your health, sex life or sexual orientation.

Further Personal Data including special categories of Personal Data may be collected and/or processed where consent has been given (for example, school photographs for non-educational purposes). If consent is the only legal basis for processing and has been given then this may be revoked in which case the Personal Data will no longer be collected/processed.

### 3. Categories of information we collect

We may collect the following types of Personal Data (please note this list does not include every type of Personal Data and may be updated from time to time):

- admissions
- attainment (school work, marks and exam results)
- attendance (such as sessions attendance and absences)
- behaviour
- exclusions
- catering and free school meal management
- trips and activities (permission and attendance)
- medical information and administration
- safeguarding and special educational needs (such as referral and assessment information)
- personal identifiers, contacts and characteristics (such as name, unique pupil numbers, contact details)
- identity management/authentication
- personal characteristics, such as:
  - their nationality and ethnic group;
  - their religion;
  - their first-language;
  - any relevant protected characteristics.
- employees' qualifications and contractual information, such as:
  - right to work information;
  - employee position and/or role;
  - salary;
  - employment start date;
  - remuneration details (including national insurance and other financial details).

### 4. Who will have access to your data

Personal Data will be accessible by members of staff. Where necessary, volunteers, trustees and local committees will also have access to Personal Data.

We will not share information about our pupils with third parties without consent unless we are required to do so by law or our policies. We will disclose Personal Data to third parties:

- if we are under a duty to disclose or share your Personal Data in order to comply with any legal obligation; for example:
  - We are required to share information about our employees with the DfE in order to comply with our legal obligations as set out by acts of Parliament and associated legislation and guidance.
  - We share pupils' Personal Data with the Department for Education (DfE) in relation to school funding / expenditure and the assessment of educational attainment in order to comply with our legal obligations as set out by acts of Parliament and associated legislation and guidance.
- in order to enforce any agreements with you;
- in order to perform contracts with third party suppliers for purposes listed in Section 2. Our third party suppliers are listed in Appendix 1.
- to protect the rights, property, or safety of the Trust, the schools, other pupils or others. This includes exchanging information with other organisations for the purposes of child welfare.

This may include our Local Authority, the DfE (please see Section 6), the Police and other organisations where necessary; for example, for the purposes of organising a school trip or otherwise enabling students to access services or for the purposes of examination entry. Information may also be sent to other schools where necessary; for example, schools that pupils attend after leaving us.

Certain data collection obligations are placed on us by the DfE. To find out more about the data collection requirements placed on us by the DfE (for example; via the school census) visit: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The listed third party suppliers will process data on our behalf (see Appendix 1). Therefore, we investigate these third party suppliers to ensure their compliance with Relevant Data Protection Laws and specify their obligations in written contracts.

## 5. Sharing your data

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We are required to share information about our pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of data collections, under:

- Section 537A of the Education Act 1996
- the Education Act 1996 s29(3)
- the Education (School Performance Information)(England) Regulations 2007
- regulations 5 and 8 School Information (England) Regulations 2008
- the Education (Pupil Registration) (England) (Amendment) 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.

Third parties can request access to the data directly from the DfE. It is typically more efficient for these organisations to access centrally held data in the first instance rather than contact individual schools / local authorities directly.

The law allows the Department to share personal data with certain third parties, including those fighting or identifying crime (such as the Home Office and Police).

For information about which organisations the Department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/dfе-external-data-shares>

We may be required to share information about our pupils with the local authority to ensure that they can conduct their statutory duties under

- the Schools Admission Code

Information may be requested by local authorities to be shared with third parties in support of the provision of their wider education obligations, such as the processing of Fair Access Panels.

These may be considered occasional requests and the local authority will need to provide assurance to the Data Controller of who they share the data with, their lawful basis and the security controls and retention periods.

## 6. National Pupil Database (NPD)

Much of the data about pupils in England is held by the Department for Education in the NPD. It is stored in electronic format for statistical purposes. The information is used by the DfE for longitudinal studies of educational performance and by the Education and Skills Funding Agency (ESFA) to determine funding.

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

## 7. How the government uses personal data

We lawfully share data with the Department for Education (DfE) through various statutory data collections. Each data collection or census guide contains the legislation detailing the lawful basis for collection:

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>

This data is used for many purposes, with some of the main functions being:

- school and local authority funding, which is calculated based upon the numbers of children and their characteristics in each setting
- informing education policy monitoring and school accountability and intervention (for example, Pupil Progress measures)
- supporting 'longer term' research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

## 8. How data will be used

Personal Data may be used (processed) in a variety of ways; this will include but is not limited to:

- provide the child with an education
- allocate the correct teaching resource
- provide any additional support
- to ensure the safety of pupils whilst in our care.

## 9. Where we store data and how we keep data secure

Paper copies of Personal Data are kept securely at the Trust schools and Trust offices; for example, in secure filing cabinets.

Electronic copies of Personal Data are kept securely and information will only be processed where we are satisfied that it is reasonably secure.

All information you provide to us is stored on secure servers. When giving Personal Data to third parties (for example, software providers) it is possible that this Personal Data could be stored in a location outside of the European Economic Area. We will take all steps reasonably necessary to ensure that your Personal Data is treated securely and in accordance with this privacy policy. In particular, any transfer of your Personal Data made by us to a location outside of the EEA will be governed by clauses in a written contract in order to keep these secure.

## 10. Retention periods

We will only retain Personal Data for as long as is necessary to achieve the purposes for which they were originally collected. As a general rule, Personal Data will be kept for the entire period that a child is a pupil at the Trust, or an employee is employed at the Trust. Other records (for example, safeguarding or in relation to special educational needs) will be kept for longer in accordance with the Trust's Records Management and Retention Policy. Further information on retention periods can be obtained by contacting us via the details in Section 1 of this Notice.

Once the retention period concludes the data is securely and safely destroyed/ deleted.

## 11. Your data rights

The General Data Protection Regulation and associated law gives you rights in relation to Personal Data held about you and your child. These are:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means

- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed, and
- a right to seek redress, either through the ICO, or through the courts.

Where the Trust holds Personal Data concerning you, you are entitled to access that Personal Data and the following information (unless an exception applies):

- a copy of the Personal Data we hold concerning you, provided by the Trust;
- details of why we hold that Personal Data;
- details of the categories of that Personal Data;
- details of the envisaged period for which that Personal Data will be stored, if possible;
- information as to the source of Personal Data where that Personal Data was not collected from you personally.

If you want to receive a copy of the information about you or your son/daughter that we hold, please contact us via the details in Section 1 of this Notice.

## 12. Making a Complaint

If you are unhappy with the way we have dealt with any of your concerns, you can make a complaint to the ICO, the supervisory authority for data protection issues in England and Wales. We would recommend that you complain to us in the first instance, but if you wish to contact the ICO you can do so on the details below. The ICO is a wholly independent regulator established in order to enforce data protection law.

ICO Concerns website: [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns)

ICO Helpline: 0303 123 1113

ICO Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

ICO Postal Address: Information Commissioner's Office  
 Wycliffe House  
 Water Lane  
 Wilmslow  
 Cheshire SK9 5AF

## 13. Changes to this notice

Any changes we make to this notice in the future will be posted on our website. Third Party Processors will be reviewed. Please visit our website frequently to see any updates or changes to our Privacy Notice and Data Protection Policies.

May 2018	Revised Policy - GDPR Compliant
January 2019	Updated using latest DfE guidance and example privacy notices



## Appendix 1 Third Party Processors

HR / Finance	Services
<p>Browne Jacobson (Solicitors)            Companies House            Cornwall Council (DBS)            Devon County Council            Diocese of Exeter (Foundation Trustees)            IMASS            LGPS            Lloyds Bank            Peninsula Pensions            Plymouth Marjon University            PS Financials Limited / PS People            School Business Services            Teachers Building Society            Teachers Pensions            Thompson Jenner (Accountants)            Torbay Council (OH)            UCAS</p>	<p>Babcock (CPD)            Capita / Scomis (Sims)            Cool Milk            CPOMS            Devon County Council            Devon Norse            Edenred            Eduspot (Teachers2parents)            Every            Evolve / Outdoor Education            Famly            FFT Aspire            Google            Health &amp; Safety Executive            Insight Tracking (Sig+)            ISS            Jelly Images            Lucent Marketing            PHP Law            Premier Sport            Price &amp; Buckland            Results Squared (PS Connect)            Ruth Miskin Literacy            Tempest Photography            The Key            Torbay Council            Virgin Care (School Nurse team)</p>
Social Media	Educational Software
<p>Facebook            Hootsuite            LinkedIn            Twitter</p>	<p>3P Learning (Mathletics)            Accelerated Reader - Renaissance            Active Learn Primary (Pearson)            Maths Circle Ltd (TT Rock Stars)            Oxford University Press (My Maths)            SMART Software            Speech &amp; Language Link Multimedia Ltd            Tapestry</p>