

Privacy Notice for Learners Attending Dacorum Education Support Centre

Dacorum Education Support Centre collects a lot of data and information about our learners so that we can run effectively as a Centre. This privacy notice explains how and why we collect learner's data, what we do with it and what rights parents and learners have.

Why do we collect and use learner information?

We collect and use learner information under the following lawful bases under the GDPR:

- a. where we have the consent of the data subject [Article 6 (a)];
- b. where it is necessary for compliance with a legal obligation [Article 6 (c)];
- c. where processing is necessary to protect the vital interests of the data subject or another person [Article 6 (d)];
- d. where it 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 [Article 6 (e)].

Where the personal data we collect about learners is sensitive (i.e. special category) personal data, we will only process it where:

- a. we have explicit consent [Article 9 (2)(a)];
- b. processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent [Article 9 (2)(c)]; and / or
- c. processing is necessary for reasons of substantial public interest, and is authorised by domestic law (see section 10 of the 2018 Data Protection Act) [Article 9 (2)(g)].

Please see our Data Protection Policy for a definition of sensitive personal data.

We use the learner data to support our statutory functions of running an educational establishment, in particular:

- a. to decide who to admit to the Centre;
- b. to maintain a waiting list for referrals to our services;
- c. to support learner learning;
- d. to monitor and report on learner progress;
- e. to provide appropriate pastoral care;
- f. to assess the quality of our services;
- g. to comply with the law regarding data sharing;
- h. for the protection and welfare of learners and others in the Centre;
- i. for the safe and orderly running of the Centre;
- j. to promote the Centre;
- k. to communicate with parents / carers.

The categories of learner information that we collect, hold and share include:

- a. Personal information (such as name, unique pupil number and address);
- b. Characteristics (such as ethnicity, language, medical conditions, nationality, country of birth and free school meal eligibility);
- c. Attendance information (such as sessions attended, number of absences and absence reasons)
- d. Safeguarding information (such as court orders and professional involvement)
- e. Special educational needs (including the needs and ranking)
- f. Medical administration (such as doctors' information, child health, dental health, allergies, medication and dietary requirements)
- g. Assessment and attainment (such as key stage results, post 16 courses enrolled for and any relevant examination results)
- h. Behavioural information (such as exclusions and any relevant alternative provision put in place)

From time to time and in certain circumstances, we might also process personal data about learners, some of which might be sensitive personal data, including information about criminal proceedings / convictions, information about sex life and sexual orientation, child protection / safeguarding. This information is not routinely collected about learners and is only likely to be processed by the Centre in specific circumstances relating to particular learners, for example, if a child protection issue arises or if a learner 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.

We collect information about learners when they join the Centre and update it during their time on the roll as and when new information is acquired.

Collecting learner information

Whilst the majority of learner information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain learner information to us or if you have a choice in this. Where appropriate, we will ask parents for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to use photos or images of learners on our website or on social media to promote Centre activities. Parents may withdraw consent at any time.

When learners are deemed to be old enough to make their own decisions in relation to their personal data, we will also ask the learner for their consent in these circumstances. This will usually be around the age of 13. Learners with the maturity to make their own decisions about their personal data may withdraw consent if consent has previously been given.

In addition, the Centre also uses CCTV cameras around both Centre's sites for security purposes and for the protection of staff and learners. CCTV footage may be referred to during the course of disciplinary procedures (for staff or learners) or investigate other issues. CCTV footage involving learners will only be processed to the extent that it is lawful to do so. Please see our CCTV policy for more details.

Storing learner data

A significant amount of personal data is stored electronically, for example, on our MIS database. Some information may also be stored in hard copy format.

Personal data may be transferred to other countries if, for example, we are arranging a school trip to a different country. Appropriate steps will be taken to keep the data secure.

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements.

Who do we share learner information with?

We routinely share learner information with:

- schools that learners attend after leaving us;
- our local authority Hertfordshire County Council;
- a learner's home local authority (if different);
- the Department for Education (DfE);
- the Centre's Management Committee;
- exam boards;

From time to time, we may also share learner information with other third parties including the following:

- the Police and law enforcement agencies;
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers;
- Courts, if ordered to do so;
- the National College for Teaching and Learning;
- the Joint Council for Qualifications;
- 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 HR providers, for example, if we are seeking HR advice and a learner is involved in an issue;
- The Prince's Trust;
- external providers providing vocational education for our learners;
- Youth Connexions
- our legal advisors;
- our insurance providers;

Some of the above organisations may also be Data Controllers in their own right in which case we will be jointly controllers of your personal data and may be jointly liable in the event of any data breaches.

In the event that we share personal data about learners with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

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

Why we share learner information

We do not share information about our learners with anyone without consent unless the law allows us to do so.

We share learner's data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to pass information about our learners to the Department for Education (DfE) under regulation 4 of The Education (Information About Individual Pupils) (England) Regulations 2013.

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 learners aged 13+?

Once our learners reach the age of 13, we also pass learner 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 / guardian 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 / learner once he/she reaches the age 16.

For more information about services for young people, please visit our [local authority website](#).

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.

We are required by law, to provide information about our learners to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the learner 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>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our learners from the NPD with third parties who promote the education or well-being 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 our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data;

- the purpose for which it is required;
- the level and sensitivity of data requested; and
- the arrangements in place to store and handle the data.

To be granted access to learner information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

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/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

For primary aged learners: Under data protection legislation, parents and learners have the right to request access to information about them that we hold ("Subject Access Request"). Where a child does not have the maturity to make their own requests for personal data, parents may do so on their behalf in a primary school setting. To make a request for your child's personal data, or be given access to your child's educational record, contact [setting to include details of their administrator / Data Protection Officer] although any written request for personal data will be treated as a Subject Access Request.

For secondary aged learners: Under data protection legislation, learners, and in some circumstances, parents, have the right to request access to information about them that we hold ("Subject Access Request"). From the age of 13, we generally regard learners as having the capacity to exercise their own rights in relation to their personal data. This means that where we consider a learner to have sufficient maturity to understand their own rights, we will require a Subject Access Request to be made by the learner and not their parent(s) on their behalf. This does not affect any separate statutory right parents might have to access information about their child.

The legal timescales for the Centre to respond to a Subject Access Request is one calendar month. As the Centre has limited staff resources outside of term time, we encourage parents / learners to submit Subject Access Requests during term time and to avoid sending a request during periods when the Centre is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible.

Parents of learners who attend an ESC have a separate statutory right to access their child's educational record. Upon receipt of a written request for a learner's educational record, the Centre will respond to it within 15 school days. This is an independent legal right of parents which falls outside of the GDPR, therefore a learner's consent is not required even if a learner is able to make their own decisions in relation to their personal data unless a court order is in place which states otherwise.

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 learner, with whom the learner lives or whether the learner has contact with that parent), and also includes non-parents who have parental responsibility for the learner, or with whom the learner lives. It is therefore possible for a learner to have several "parents" for the purposes of education law.

You also have the right to:

- 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
- claim compensation for damages caused by a breach of our data protection responsibilities.

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact:

If you would like to discuss anything in this privacy notice, please contact:

Stephen Peach, Data Protection Officer at dpo@desc.herts.sch.uk or via telephone on 01442 247476 (Option 2)