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# **Student Privacy Notice**

**2023-24**

## **Privacy Notice (How we use pupil information)**

We **Oldbury Academy** are trading on behalf of **STOUR VALE ACADEMY TRUST**. The Multi Academy Trust (MAT) is the data controller for the purposes of Data Protection Law.

### **Why do we collect and use pupil information?**

We collect and use pupil information under the following Acts of parliament and associated legislation:

The Education Act, amendments and accompanying regulations, for example: Section 537A of the 1996 Act enables the education setting to collect information to perform the Department of Education's termly census.

There are various versions of the Education Act both preceding and following the 1996 Act that have influence on what information is required and how it is processed such as: The Education Reform Act 1988, Further and Higher Education Act 1992, Education Act 1994, School Standards and Framework Act 1998, Teaching and Higher Education Act 1998, Education Act 2002, Higher Education Act 2004, Education Act 2005, Education and Inspection Act 2006 and Education Act 2011, The Education (Pupil Information) England Regulations 2005 and associated regulations and statutory instruments.

Where appropriate we also rely on:

The Children Act and subsequent amendments  
The Common Law Duty of Care  
Health and Safety at Work Act  
Working together to Safeguard Children Guidelines (DfE)  
Keeping Children Safe in Education (KCSiE)  
Equality Act 2010  
The Disability Discrimination Act  
Special Educational Needs (SEN) Code of Practice  
Safeguarding Vulnerable Groups Act  
Limitation Act 1980

We collect and use pupil information for the following purposes:

- to support pupil learning;
- to monitor and report on pupil attainment progress;
- to provide appropriate pastoral care;
- to assess the quality of our services;
- to keep children safe (food allergies, or emergency contact details);
- to ensure that any medical needs your child may have in school are dealt with appropriately by sharing with the School Health Nurse (SHN - NHS) and First Aid Providers in school
- to provide support for pupils with special learning needs or disabilities
- to inform next educational providers and/or employers of relevant pupil performance and contextual information
- to meet the statutory duties placed upon us for DfE data collections;
- to comply with the law regarding data sharing, including to provide data to the local authority as required by statute or by current contracts, service level agreements or data sharing agreements with the local authority

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

- personal identifiers and contacts (such as name, unique pupil number, photograph, contact details and address);
- characteristics (such as ethnicity, language, gender, religion, date of birth, free school meal

eligibility, INA<sup>1</sup> status – Asylum Seeker, Refugee, Economic Migrant, Looked After Child, Adopted, Young Carer and SGO children);

- special educational needs or disabilities (including the needs and ranking);
- safeguarding information (such as court orders and professional involvement);
- medical and administration (such as doctor's information, child health, medical conditions/allergies, under the care of any hospital, medication and dietary requirements);
- attendance information (such as sessions attended, number of absences and absence reasons, any previous schools attended);
- assessment and attainment information (such as EYFS, Key Stage or internal academic assessment information, post 16 courses enrolled for and any relevant results); and
- behavioural information (such as exclusions and any relevant alternative provision put in place).
- Parent/Carer/Other contact information (such as name, address, contact details,\* identification documents, \*national insurance number, \*income/benefit details,\*DoB)(\*only where required)
- Travel arrangements/consent
- Images (photographs, videos and displays) for internal safeguarding & security purposes, school newsletters, media and promotional purposes
- CCTV
- Internet use
- Transition information from primary school and/or other schools, educational establishments
- We may also hold data that we have received from other organisations, local authorities and the Department for Education

For a further example of the information typically held by schools, please see the Department for Education (DfE) Common Basic Data Set, here:

<https://www.gov.uk/government/publications/common-basic-data-set-cbds-database>

### **Collecting pupil information**

We collect pupil information entered by parents/carers on EduLink and from Common Transfer Files (CTF) or secure file transfer from a child's previous school.

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you, at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this, and we will tell you what you need to do if you do not want to share this information with us.

We collect consent separately to process information for school trips, library loans, and cashless catering, via Edulink. Please note, you have a right to withdraw consent at any time and can contact the school to do this.

If you provide us with contact details of others, for example, in case of emergency or when you may not be available, please ensure that they are aware their information has been passed to the school.

We will also receive the above types of personal information, where relevant, from the previous school and may also receive information from the Local Authority (LA) and the DfE.

### **Storing pupil data**

The information we collect, use and store about pupils and their parents/carers is retained on our computer systems and in paper files, either until it is updated/superseded or until the pupil leaves the school where it will be passed on to the receiving school in accordance with the Education (Pupil Information) England Regulations 2005. Records are retained by secondary schools for a period of 25 years

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<sup>1</sup> International New Arrival

from the date of birth of the child, SEN records are retained for a further 6 years after this. Further information on how long schools retain information can be seen in the [Academy Trust Handbook](#) and the Information and Records Management Society's (IRMS) [Academies toolkit](#) (see pages 63-102) for details.

### **Who do we share pupil information with?**

We routinely share pupil information with:

- Relevant staff within the school
- Schools/colleges that the pupils attend during/after leaving us, including providers of alternative educational provision
- Our local authority (Sandwell)
- The Department for Education (DfE)
- Health Services
- school nurse
- local health trust and their commissioned health services (Health and social welfare organisations)
- curriculum/safeguarding support agencies
- Public Health England
- Educators and examining bodies
- Ofsted
- Suppliers and service providers – to enable them to provide a service as part of a contract – sports coaches; school meal providers; school photographers.
- Financial organisations
- External auditors
- Survey and research organisations (where legally required or as approved by DPO)
- Security organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Professional bodies
- Youth Support services
- attendance support services (LA)
- contracted services - Agilisys (e.g. apps – Edulink Teacher2Parent, Mathswatch, ShowMyHomeWork, SENECA) and other services (e.g. ParentPay, SchoolWorkSpace [exams]).

If we transfer personal data to a country or territory outside the UK, we will do so in accordance with data protection law.

We are committed to working with the local authority in protecting and safeguarding children and young people in the Borough. As a consequence, we will, where relevant to do so, share information with the Multi-Agency Safeguarding Hub (MASH) which is a co-located arrangement of agencies including the local authority, Police, NHS Trusts and Probation Service integrated into a multi-agency team.

The MASH is the single point of contact for safeguarding concerns. The MASH share information appropriately and securely on children or young people in order to take timely and appropriate actions. The teams also provide information and advice across a range of child and family services.

Where a pupil has been involved in an accident, an Accident/Incident Report Form will be completed which will include details of the accident including information about an individual(s) where necessary. This information will be passed to the Trust Central Team. This information will be accessed by Trust employees, who legally require access to this data, for purposes related to this incident. If the accident resulted in a pupil being taken to hospital for treatment the school would complete a RIDDOR to the HSE and may be shared with others to allow us to comply with our statutory duties.

### **Aged 14+ qualifications**

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil's unique

learner number (ULN) and may also give us details about the pupil's learning or qualifications.

### **Why we share pupil information**

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

We share pupils' 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 share information about our pupils with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

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### **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 pupils aged 13+?**

Once our pupils reach the age of 13, we also pass pupil 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 or guardian can object to any information in addition to their child's name, address and date of birth being passed to their local authority or provider of youth support services by informing us. This right is transferred to the child/pupil once they reach age 16.

Data is securely transferred to the youth support service and is stored and held in accordance with their storage and retention procedures

For more information about services for young people, please visit Sandwell's website:

[https://www.sandwell.gov.uk/info/200219/children/706/targeted\\_youth\\_support\\_and](https://www.sandwell.gov.uk/info/200219/children/706/targeted_youth_support_and) the National Careers Service page at <https://nationalcareersservice.direct.gov.uk/aboutus/Pages/default.aspx>

*It is strongly recommended that pupils and their parents consider the importance and value of the information being shared with Youth Support Services as this information is used to identify young people within Sandwell schools who will need support from the Connexions service to move to a positive destination after leaving school and therefore complies with the Raising of the Participation Age.*

### **Local Authorities**

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, including conducting Fair Access Panels, the identification of children missing education, and to ensure that all pupils get a suitable education, in line with sections 436A and 437 of the Education Act 1996. The local authority also has responsibilities around the identification of pupils with special educational needs as identified in section 22 of the Children and Families Act 2014.

We also share pupils' data with the Local Authority for the purposes of comparative data analysis and to enable the provision of services by the Local Authority as defined in current contracts, Service Level Agreements or data sharing agreements.

## 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 pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under:

regulation 5 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.

## CCTV

This section of the privacy notice relates to our CCTV System, including, but not limited to, where it has been installed on the outside of some of our buildings.

The CCTV Surveillance System is managed by Oldbury Academy and Mitie as joint data controllers. The Academy has a CCTV Policy. The system will be operated in line with the relevant legislation and the Surveillance Code of Practice. Staff operating/using the system have undertaken relevant Data Protection and Information Security Training. The CCTV Surveillance System respects the rights of access to personal data under UK Data Protection Law.

### What personal information does this service use?

The CCTV system captures images of people and vehicles in and around where a camera is located. Where fixed CCTV cameras are operating, there will be signs clearly displayed. Images captured by CCTV will not be kept for longer than 30 days. However, on occasions there may be a need to keep images for longer, for example where a crime is being investigated.

### What is this personal information used for?

We use this personal data for the following reasons:

- a) To increase personal safety of pupils, staff and visitors, and reduce the fear of crime.
- b) To protect the school buildings and their assets.
- c) To support the Police in a bid to deter and detect crime.
- d) To assist in identifying, apprehending and potentially prosecuting offenders.
- e) To protect members of the public and private property.
- f) To assist in managing the school.

### What is the lawful basis we are relying on?

We collect and use this information to ensure the school can undertake its remit to educate children ensuring personal safety of pupils, staff and visitors, protecting school buildings and its assets and to assist in managing the school (Article 6(1)(e) of the UK General Data Protection Regulation). The school will use the 'Passport to Compliance', issued by the Surveillance Camera Commissioner to ensure that the surveillance camera system complies with the Guiding Principles set out in the Surveillance Camera Code of Practice published by the Home Office as a requirement of the Protection of Freedoms Act 2012.

### Where has your personal information come from?

The images are captured because you are present in the area that is covered by the CCTV system.

## Who will we share this personal information with?

Your personal data is shared securely with the following, where it is both necessary and appropriate to do so:

- Relevant staff within the school
- Our local authority
- The Police

## Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a (subject access) request for your personal information, or be given access to your child's educational record, contact the school and ask to speak to our Data Protection Lead (the school business manager) or email [admin@oldburyacademy.org.uk](mailto:admin@oldburyacademy.org.uk)

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
- seek redress, either through the ICO, or through the courts.

The Trust, in line with statutory guidance, will respond to Subject Access Requests within one calendar month. However, if the request is received during the school holiday, please be advised that the Trust will treat this as receipt of the request on the first day back at school and will respond within one calendar month.

If you have a concern or complaint 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/>.

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

## Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting the Headteacher.

## Last updated

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time. This version was last updated in July 2023.

## Contact:

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

Email: [admin@oldburyacademy.org.uk](mailto:admin@oldburyacademy.org.uk)

or

Tel: 0121 533 3570 and ask to speak to a member of the senior leadership team regarding GDPR.

Data protection advice and support and our Data Protection Officer (DPO) is provided by YourIG, who may be contacted via:

**YourIG Data Protection Officer Service**  
**Dudley MBC**  
**The Council House**  
**Dudley**  
**West Midlands**  
**DY1 1HF**

Email: [YourIGDPOService@dudley.gov.uk](mailto:YourIGDPOService@dudley.gov.uk)

Tel: 01384 815607

## How Government uses your data

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

- underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- informs 'short term' education policy monitoring and school accountability and intervention (for example, school GCSE results or Pupil Progress measures).
- supports 'longer term' research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school).

## 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>.

## 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
- 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 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 to (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/dfe-external-data-shares>

## **How to find out what personal information DfE hold about you**

Under the terms of the Data Protection Act 2018, you are 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/departments-for-education/about/personal-information-charter>

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