



# STUDENTS PRIVACY NOTICE

## PRIVACY NOTICE FOR ALL STUDENTS WITHIN THE TRUST

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## 1. Overview

Under the existing Data Protection Law (1998) and The General Data Protection Regulation 'GDPR' (2018) it is a requirement for all individuals to be correctly informed about what an organisation does with your personal data. SHARE MAT provide everyone with the ability to view how we use your personal data via a 'Privacy Notice' (also referred to as a 'Fair Processing Notice').

Within this privacy notice we aim to outline how we; collect, store, manage, edit, erase and control an individual's personal data. This may be associated with anyone within the Trust, and/ or otherwise engage with in order for that individual to work within the Trust.

At SHARE MAT we employ a Data Protection Office to oversee Data Protection and GDPR. If you wish to contact our DPO please visit the 'contact us' section within this policy.

This policy applies to all forms of personal data, including but not exclusive to, paper and electronic formats.

## 2. Legislation and guidance

It is a requirement for all Schools and Public Authorities to adhere to the GDPR and Data Protection legislation, set out in the Data Protection Law 1998 and the GDPR 2018.

This policy is based on the guidelines set out by the Information Commissioners Office (ICO) and The General Data Protection Regulation (2018) and Data Protection (1998) legislations. This policy also follows the guidance of the Protection of Freedoms Act (2012) to ensure the protection of biometric data. In addition, this policy also complies with the Trust's funding agreements and articles of association.

## 3. Information specific to pupils

SHARE MAT ensure that when we collect personal data under 'special category' (minor's data) we do so in the most ethical and appropriate manner.

For pupils aged 12 and over, we believe that pupils of this age and above are able to give consent for their own data processing. This will be assessed on a case-by-case scenario by the trust.

For pupils aged 12 and under, we believe a parent or guardian should give consent for a child's data to be processed as they are not of an age to understand what this means.

## 4. Definitions and key terminology

All of the definitions listed below are frequently used within this policy and directly associate to the Data Protection Act (1998) and the GDPR (2018). If you require further information on any of the terminology used within this policy,



please contact our DPO. All details can be found within the 'contact us' section of the policy.

<b>Term</b>	<b>Definition</b>
<b>Personal data</b>	<p>Any information relating to an identified, or identifiable, individual. Personal data is only associated with a living data subject.</p> <p>This may include the individual's:</p> <ul style="list-style-type: none"><li>• Name (including initials)</li><li>• Identification number</li><li>• Location data</li><li>• Financial data</li><li>• Online identifier, such as a username</li></ul> <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
<b>Special categories of personal data</b>	<p>Personal data which is more sensitive and so needs further protection, including information about an individual's:</p> <ul style="list-style-type: none"><li>• Racial or ethnic origin</li><li>• Political opinions</li><li>• Religious or philosophical beliefs</li><li>• Trade union membership</li><li>• Genetics</li><li>• Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes</li><li>• Health – physical or mental</li><li>• Sex life or sexual orientation</li></ul>
<b>Processing</b>	<p>Anything done to personal data, such as;</p> <ul style="list-style-type: none"><li>• Collecting</li><li>• Recording</li><li>• Organising</li><li>• Structuring</li><li>• Sharing</li><li>• Storing</li><li>• Adapting</li></ul>



	<ul style="list-style-type: none"> <li>• Altering</li> <li>• Retrieving</li> <li>• Using</li> <li>• Disseminating</li> <li>• Erasing</li> <li>• Destroying</li> </ul> <p>Processing can be automated or manual.</p>
<b>Data subject</b>	The identified or identifiable individual whose personal data is held or processed. A data subject is any natural, living person.
<b>Data Controller</b>	A person and/ or organisation that determines the purposes and the means of processing personal data.
<b>Data Processor</b>	A person, organisation or other body (other than an employee of the data controller) who processes personal data on behalf of the data controller.
<b>DPO</b>	A 'DPO' is an abbreviation of the term, Data Protection Officer. A DPO should be appointed when any large scale processing of data occurs, and/ or, processing of data may be deemed a risk.
<b>Personal Data Breach or Data Breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.
<b>The ICO</b>	The ICO (Information Commissioners Office) and the legal authority whom manage GDPR and Data Protection.
<b>A DPIA (Data Protection Impact Assessment)</b>	A DPIA is a process that we carry out in order to assess if we are carrying out process in line with relevant legislation.
<b>SAR/ DSAR</b>	A 'SAR' or sometimes referred to as a 'DSAR', is an abbreviation of the word Subject Access Request. This is when a data subject formally lodges a request to view/ access their personal data that is held on them.



## 5. Personal data we hold

SHARE MAT collect personal data on those whom we enroll within our schools in order for them to study at any of our schools across the Trust. We only collect relevant and necessary personal data in order to complete business processes. SHARE MAT does this by carrying out a DPIA on all data that we collect to identify the lawful basis of processing.

Personal data that we may choose to collect, use, store and share (when appropriate) about you, includes, but is not restricted to:

- Contact details
- Date of birth
- Gender
- Test results
- Attendance records
- Ethnic background\*
- Special educational needs\*
- Medical conditions
- Behavior details and actions associated to this
- Photographs
- CCTV images

The information with an '\*' marked is classed as 'special categories' of data. This is highly sensitive information and heightened safeguards will be placed on this data.

## 6. Why we use this data

SHARE MAT collect this data in order to perform key business processes throughout the Trust. We believe we hold the necessary basis for collecting and processing this data, as outlined in Article 6 of the GDPR. The data that we collect enables us to:

- Get in touch with you and your parents when we need to
- Check how you're doing in exams and work out if you may need any extra assistance
- Track the performance of the whole school
- Look after your wellbeing

## 7. Lawful basis for using your data

SHARE MAT follows the guidelines outline within Article 6, The GDPR, Lawfulness of Processing, when assessing if we believe we have a lawful basis of processing your personal data. We ensure that we meet, at least one, of the minimum requirements outlined within Article 6. We only collect your personal data when we need to:

- Comply with educational laws



- Comply with a legal obligation
- Carry out a task in the public interest

Less commonly, we may also use personal data regarding you when:

- You or your parent/ guardian have given us consent to use it in a certain way
- We need to protect your vital interests

Where we rely on consent to process your personal data, you (or your parent or guardian) have the right to retract this consent at any given time. When we ask for your consent in order to process your personal data we will make this clear and concise from the offset, along with guidance on how to retract consent if you wish to do so.

SHARE MAT will only use your data within the guidelines that it has been collected for. If we require to use your information for an additional/ further process, we will contact you to inform you of this.

## **8. Collecting your information**

SHARE MAT predominantly collect personal data from you as an essential requirement. There are occasions whereby collecting personal data is not mandatory, but that we feel it would be beneficial to the Trust to do so.

In these circumstances we ensure that we have a legitimate interest when requesting this data, however, as a data subject, you have the ability to choose if you wish to provide this information.

SHARE MAT will ensure that we inform you on 'mandatory' and 'non mandatory' data collection, the consequences of not providing mandatory information and the choices you have as a data subject.

## **9. How we store your data**

SHARE MAT ensure that all data that we store on you is secure, safe and in line with legislation.

All personal data that we collect on you, as a data subject, is stored in a secure file specific to each pupil. This information is restricted in use to ensure only those who need it have access. The use of the information stored within this file is restricted to the purpose that it is collected for.

Once you leave any of our schools, we will retain this file and delete the relevant information in accordance with our Retention Schedule (IRMS Records Management for School). The following storage rules apply:

- Paper-based records and electronic devices (such as laptops and hard-drives) are kept locked and restricted when not in use



- Personal data is signed for, logged and managed when it is taken off site to ensure safe return or erasure
- The implementation of an enforced password protection policy whereby all passwords are random and non-traceable
- Encrypted software is used on all electronic tools
- Data Sharing Agreements are in place where data is required to be shared with a 3<sup>rd</sup> party, contractor or additional source

## **10. How we share your data**

SHARE MAT will not share your personal data with any 3<sup>rd</sup> parties unless it informs you or asks for your consent to do so. We may need to share data if required to do so by the law. For more information regarding situations whereby your data may be shared, please see the ICO's website.

Where it is legally required to share personal data, we may share your data with (but not limited to):

- Our local authority
- The Department of Education
- Your family or stated emergency contact
- Educators and examining bodies
- Our regulator, Ofsted
- Suppliers and service providers, all of which are covered under a Data Sharing Agreement
- Financial organisation
- Central and local government
- Our auditors
- Survey and research organisation (limited and you would be informed ahead of processing)
- Health authorities
- Security organisation
- Health and Social welfare associations
- Police and legal forces
- Professional bodies

## **11. National Pupil Database**



We are required to provide information about you to the Department for Education (a government department) as part of data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](#), which is managed by the Department for Education and provides evidence on how schools are performing. This, in turn, supports research.

The database is held electronically so it can easily be turned into statistics. The information it holds is collected securely from schools, local authorities, exam boards and others.

The Department for Education may share information from the database with other organisation which promote children's education or wellbeing in England. These organisation must agree to strict terms and conditions about how they will use your data.

You can find more information about this on the Department for Education's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) if you have any questions about the database.

## **12. Youth Support Services**

Once you reach the age of 13, we are legally required to pass on certain information about you to Kirklees Local Authority as it has legal responsibilities regarding the education or training of 13-19 year-olds.

This information enables it to provide youth support services, post-16 education and training services, and careers advisers.

Your parents/carers, or you once you're 16, can contact our data protection officer to ask us to only pass your name, address and date of birth to Kirklees Local Authority.

We use a 'Data Sharing Agreement' with any organisations associated with Kirklees Council in order to correctly protect your data.

## **13. How long we retain your data**

SHARE MAT is required, by law, to retain some of your personal data after you leave the school. We may choose to keep your data for up to 25 years after you leave our schools dependent on what data we hold and the reason for still storing or processing this data.

Any data that we no longer use, but is still retained, will be stored and archived up until the point where we assess its use and decided to safely erase it.

For more information on our retention guidelines, retention policy and how long we may hold your personal information for by law please contact our DPO.



## 14. How we erase your data

SHARE MAT ensures that any data that is no longer of use, or deemed necessary for business processes will be correctly erased in line with data protection guidelines. Personal data will be disposed of securely, safely and effectively to give all data subjects peace of mind.

For example, we will shred or incinerate any paper-based documents that we hold on you, either in-house or contracted by a pre-approved and safe supplier. We will overwrite, redact or erase any electronic files that we hold on you, either in-house or contracted by a pre-approved and safe supplier.

## 15. Your rights as a data subject

As part of all data protection legislation data subjects are entitled to request any personal information that is held on them by an organisation. If you wish to find out what information SHARE MAT hold on you, please complete a Subject Access Request.

If you wish to submit a Subject Access Request, please download one of our templates from either the SHARE MAT website, or from the website of the school that you are employed at. If you are having trouble accessing the template, please contact our DPO.

Once you have submitted a SAR we will:

- Give you a description of the data that we hold (where applicable)
- Explain where we received the information from (where applicable)
- Inform you who has had access to it and if it will be shared further
- Inform you if any automated decision-making has been applied, or will be applied, to this data, and inform you of the consequences of this
- Give you an accessible copy of this data (where appropriate)

Subject Access Requests may be subject to an administrative charge dependent on the level of time require to prepare the response. You will be informed if your SAR is subject to a charge.

On occasion, we may not be able to provide a hard-copy of your data. We will give you the opportunity to view, in person, the data that we hold on you at a time that suits you.

Under data protection laws data subjects have certain rights regarding how their personal data is used, stored, managed and erased. You have the right to:



- Object to the use of your personal data if it is causing, or has cause, damage or distress
- Prevent your data being used for the purpose of direct marketing
- Object to the use of your personal data for decisions being made by automated means (by a computer or machine, instead of by a person)
- Your data records being up-to-date, accurate and relevant. If you believe they are not, please let us know
- Claim compensation for any damages caused by a breach of your rights under the data protection regulations

If you would like any more information on Subject Access Requests, please contact our Data Protection Officer.

### **16. How to contact us**

SHARE MAT have a designated Data Protection Officer to handle any issues or concerns that you may have regarding your data.

If you have any questions or concerns, or would like any advice regarding your data, please contact our Data Protection Officer.

**Holly Senior**- Premises, Compliance and Data Protection Officer

Email- [holly.senior@sharemat.co.uk](mailto:holly.senior@sharemat.co.uk)

Telephone- 07833468985

Address- Shelley College, Huddersfield Road, Shelley, HD8 8NL

### **17. Complaints, issues and escalation**

SHARE MAT takes any complaints about the collection, management and use of personal data very seriously.

If you believe that the way we are processing your personal data is unfair, misleading or inappropriate, or if you have any other concerns regarding your personal data please contact our Data Protection Officer immediately.

If you believe that your complaint is not being handled effectively or you would like external advice, please contact the Information Commissioners Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF



## Appendix A- Coronavirus (COVID-19) Test Results

During the Coronavirus (COVID-19) pandemic, students may be required to have a coronavirus test (provided by the NHS and UK Government) whereby they:

- Are exhibiting COVID-19 symptoms
- Have been instructed to do so by NHS 'Test and Trace' scheme
- Are living in a household with somebody who has tested positive or is symptomatic
- Are part of a support bubble whereby somebody has tested positive or is symptomatic

Students are required to inform school about the status of the test results (positive or negative) in order to monitor infection in school.

Under the General Data Protection Regulation, the school must not insist to see a copy of the test results or hold a paper or electronic copy of the test results.

Students are encouraged to share evidence of their test results if they wish to do so with a designated person in school.

Designated staff within school (such as an Administration Manager, Reception Staff or Head Teacher) are permitted to ask to see the test results provided by the NHS in order to authenticate the results of a staff member. Staff members not outlined as a designated person are not permitted to ask to view a test result.

School, are not required to hold a hard copy of the test results of a student. If a student provides a hard copy of a test results (i.e. via email) this will be securely destroyed once the status of the result has been authenticated.

The result status will be stored on an internal spreadsheet/ data base to support the schools internal 'Track and Trace' system whilst also supporting the national 'Test and Trace' scheme. The access to this spreadsheet is limited to essential personnel only.

A Data Protection Impact Assessment (DPIA) has been completed for the processing of this data as required by the Information Commissioners Office.

SHARE MAT has identified that test result data is classified as '*special category*' data. Under Article 9, SHARE MAT has identified that principle (i) applies to the processing of the identified special category data.

SHARE MAT has ensured that it's aims are lawful, fair and transparent to all staff to offer clarity around how processing testing data is completed.

For additional information on data subjects' rights throughout the Coronavirus pandemic please see below:

<https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/coronavirus-recovery-data-protection-advice-for-organisations/testing/>



## **Appendix B- Coronavirus (COVID-19) Additional data shared**

During the Coronavirus pandemic, SHARE MAT is required to fully cooperate with external organisations in order to communicate correct and accurate data relating to positive Coronavirus cases.

SHARE MAT's obligation is outlined within the Department for Education's 'Guidance for Full Opening: Schools' document issued in September.

<https://www.gov.uk/government/publications/actions-for-schools-during-the-coronavirus-outbreak/guidance-for-full-opening-schools>

### **'Test and Trace'**

SHARE MAT is required by the Department for Education to actively engage with the NHS 'Test and Trace' scheme.

SHARE MAT may be required to share student's personal details in order to support the operational requirements of 'Test and Trace'.

SHARE MAT will only share the essential data required to support 'Test and Trace'.

### **Reporting cases in school**

SHARE MAT is required by the Department for Education to report all cases of Coronavirus to the following bodies:

- Department for Education Coronavirus Helpline
- Kirklees Council Infection Control Team
- Kirklees Council Emergency Planning Team
- Public Health England's Local Health Protection Team

SHARE MAT will only share the essential data required to support each organisation.

### **Reporting breaches of legislation to the Authorities**

SHARE MAT is required by law to report any known breaches of Coronavirus legislation to the local authorities (i.e. Police).

SHARE MAT will only share the essential data required to support the organisation.