

Privacy Notice

Pupil

Introduction

Under data protection law, individuals have a right to be informed about how the Trust or its Academies uses any personal data that we hold about them. We comply with this right by providing privacy notices to individuals where we are processing their personal data. This privacy notice explains how we collect and use personal data about pupils and their families, in line with the requirements of UK GDPR (United Kingdom General Data Protection Regulation).

We will also explain what rights you have with regards to your personal data and how you can exercise those rights.

We may change our privacy notice so please check this page from time to time, as your continued use of our services indicates your acceptance of any changed terms that may have occurred during the interim.

You can find details on specific areas of our privacy policy in the sections below:

1. Who we are
2. Key Contact
3. The categories of personal data that we collect, process, hold & share
4. How is your personal information collected?
5. Lawful basis for processing
6. Special Category Data
7. How does this work in practice?
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Responsibilities

The Trust Data Protection Officer is responsible for ensuring that this notice is made available to data subjects prior to Wellspring Academy Trust and its Academies collecting/processing their personal data.

Wellspring Academy Trust and its Academies who interact with data subjects are responsible for ensuring that this notice is drawn to the data subject's attention and where necessary their consent to the processing of their data is secured.

The personal data collected is essential, in order for the Trust and its Academies to fulfil its official functions and meet legal requirements.

1. Who we are

Wellspring Academy Trust is a Multi Academy Trust that operates across Yorkshire, Humber and Lincolnshire. Our group encompasses provision across Primary, Secondary, Alternative and Special sector areas.

2. Key Contact

Please read this notice carefully. In the event that you have any questions or concerns regarding the processing of your data you can contact:

Data Protection Officer: Jonny Wathen (Chief Information Officer & Data Protection Officer)

Email: privacy@wellspringacademies.org.uk

Telephone: 01226 720742

3. The categories of personal data that we collect, process, hold & share

We collect information from you for one or more of the following purposes:

- To support pupil learning
- To monitor and report on pupil attainment progress, progression and destinations
- To provide appropriate pastoral care
- To assess the quality of our services
- To keep children safe and protect welfare (food allergies, or emergency contact details)
- To meet the statutory duties placed upon us for DfE data collections
- To carry out research
- To comply with the law regarding data sharing
- To assess the quality of our assurance services
- To manage compliments and complaints

4. How is your personal information collected?

The Trust collects the majority of your personal data directly from you during the pupil application process. This may be supplemented by further information that you provide to us during a pupil's education with us. Further to this we will also be provided with personal data by outside organisations as detailed under Section 7.

5. Lawful basis for processing

When processing your personal data we will rely on one of the following grounds as set out in Article 6 of UK GDPR:

- a. **Public Task:** The main lawful basis used for the processing of personal data is 'public task' for the delivery of pupil education.
- b. **Legal Obligation:** Many of our record keeping requirements are set by parliament through statutory legislation.
- c. **Vital Interests:** Sometimes we need to process data to protect the life of an individual.
- d. **Consent:** There may be occasions when we seek your consent to process particular types of data. This will often be in relation to setting up an account with an edTech or communication system that we think would benefit you and your family. Where we have obtained consent to use personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.
- e. **Legitimate Interests:** The processing is necessary for our legitimate interests. We don't use this basis very often because of the type of organisation that we are.

A note on Legitimate interests

As a public authority, we cannot rely on legitimate interests for any processing that we perform in respect of our tasks as a public authority. However, due to the nature of our organisation there will be instances where we have other legitimate purposes outside the scope of our tasks as a public authority. In such instances we will consider legitimate interests where appropriate.

Some of the reasons listed above for collecting and using your personal data overlap, and there may be several grounds which justify the Trust's use of your data.

6. Special Category Data

Under UK GDPR there are certain types of data that are recognised as needing greater protection due to its sensitive nature. We process some type of special category data such as **racial or ethnic origin, religious or philosophical beliefs, biometric data** and data concerning **health**. To process this type of data an organisation is required to identify an Article 9 exemption as well as an Article 6 lawful basis as set out in section 4 above.

The vast majority of special category data is processed under the *substantial public interest* exemption as we have a statutory basis for processing that type of data due to being legally required to comply with the DfE census returns for example.

7. How does this work in practice?

To assist with your understanding of how this all works in practice we have prepared a table below:

<u>The data being processed</u>	<u>Our lawful basis</u>	<u>What else we need to tell you</u>
Pupil Records including personal identifiers such as name, unique pupil number, photograph, contact details and address	Legal obligation: The Education (Pupil Information) (England) Regulations 2006	This includes special category data processed under the substantial public interest exemption. We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.
Safeguarding Information including Court orders and professional involvement.	Legal Obligation: The Education (Independent School Standards) Regulations 2014	This includes special category information processed under the vital interests exemption.
External visits & trips out	Legal obligation: The Education (Pupil Information) (England) Regulations 2006	
Pupil Transport Records	Legal obligation: Education Act 1996	
Behavioural information such as incidents, behaviours and accidents along with exclusions and any relevant alternative provision put in place	Legal Obligation: The Education (Independent School Standards) Regulations 2014	This includes special category data processed under the substantial public interest exemption.
Special educational needs including the needs and ranking along with EHC plans	Legal obligation: Children and Families Act 2014	This includes special category data processed under the substantial public interest exemption.
Medical data such as doctors information, pupil physical and mental health, dental health, allergies, medication and dietary requirements	Public Task	This includes special category data processed under the substantial public interest exemption.
Attendance such as sessions attended, number of absences, absence reasons and any previous schools attended	Legal obligation: The Education (Pupil Information) (England) Regulations 2006	This includes special category data processed under the substantial public interest exemption.
Assessment and attainment (such as key	Public Task	

stage 1 and phonics results, post 16 courses enrolled for and any relevant results)		
Identity management such as photographic ID, catering and free school meal management including biometric fingerprint payment systems	Consent	
Photographs and Video images used for assessment purposes, entry management systems and security	Public Task	
CCTV Images	Public Task	As our academies are monitored by CCTV we will inevitably record some images that may be classed as special category data. Our Article 9 exemption for this data would be that processing is necessary for the establishment, exercise or defence of legal claims.

8. How we may share personal information

We sometimes need to share the personal information we process with the individual themselves, and also with other organisations. Where this is necessary we are required to comply with all aspects of the UK GDPR. What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons.

Where necessary or required we share information with:

- Regulators (such as Ofsted)
- Your subsequent school or education provider
- The pupil's family and representatives
- Professional advisers
- Educators and examining bodies
- Healthcare, social and welfare organisations
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Organisations who manage the sites that pupils visit during excursions or extended trips
- Charities
- Financial organisations
- Survey and research organisations
- Local and central government
- Security organisations
- Police forces, prison and probation services, courts and tribunals

- Information System Providers (such as Management Information Systems, Virtual Learning Environments, Catering Services Systems and Third Party e-learning Applications)

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

Wellspring Academy Trust reserves the right to use or disclose any personal information as needed to satisfy any law, regulation or legal request, to fulfil your requests, or to cooperate in any law enforcement investigation or an investigation on a matter of public safety.

Data sharing with the Local Authority

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.

Data Sharing with Department for Education

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](#)

[Section 29\(3\) of the Education Act 1996](#)

[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](#).

For more information, please see the 'How Government uses your data' section in Annex A.

Data Sharing with Youth Support Services (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 the age 16.

Data Sharing with Youth Support Services (Pupils aged 16+)

We will also share certain information about pupils aged 16+ with 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:

- post-16 education and training providers
- youth support services
- careers advisers

Upon reaching the age of 16 a pupil or child can object to their name, address and date of birth being passed to their local authority or provider of youth support services by informing us.

Data is securely transferred to the youth support service via a secure file transferring system and is stored within local authority software.

9. International Transfers

A small number of data processors used by the Trust are based outside the UK and so their processing of your personal data will involve a transfer of data outside the UK. These processors are predominantly applications and information systems used by the Trust to facilitate our teaching provisions (such as Seesaw & ABCYA). Some UK based processors may also use sub-processors (such as cloud service providers) which are located outside of the UK.

Whenever we transfer your personal data out of the UK, the Trust will ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- a. We will transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the Secretary of State.
- b. Where we use certain service providers who are outside of the adequacy regime, we will use standard data protection clauses approved by the Secretary of State which give personal data the same protection it has in the UK.

10. Storage, Retention & Disposal

Wellspring Academy Trust will only store the minimum amount of personal data necessary to provide our services to you. Your data will be stored securely and will be subject to access controls.

Personal data will only be retained for as long as necessary. These periods vary depending upon the type of data. A full breakdown of the retention periods and the methods of disposal that we apply

can be found in the Data Storage, Retention and Disposal Policy that can be accessed at <https://wellspringacademytrust.co.uk/about-us/policies-documents/>

All data will be disposed of in a secure and confidential manner. All electronic and physical data will be disposed of in such a manner that it cannot be reconstituted by any third party.

11. Data Security

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties who are processing personal data on our behalf will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way including alteration or disclosure. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the DPO.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

12. Your rights

Under the United Kingdom General Data Protection Regulation 2018, you have the following rights:

The right to be informed

As a data controller, we are obliged to provide clear and transparent information about our data processing activities. This is provided by this privacy policy and any related communications we may send you.

The right to rectification

When you believe we hold inaccurate or incomplete personal information about you, you may exercise your right to correct or complete this data. This may be used with the right to restrict processing to make sure that incorrect/incomplete information is not processed until it is corrected.

The right to erasure

Where no overriding legal basis or legitimate reason continues to exist for processing personal data, you may request that we delete the personal data. This includes personal data that may have been unlawfully processed. We will take all reasonable steps to ensure erasure.. This is also known as 'the right to be forgotten'.

The right to access

You may request a copy of the personal data we hold about you free of charge. Once we have verified your identity and, if relevant, the authority of any third-party requester, we will provide access to the personal data we hold about you as well as the following information:

- a) The purposes of the processing
- b) The categories of personal data concerned
- c) The recipients to whom the personal data has been disclosed
- d) The retention period or envisioned retention period for that personal data
- e) When personal data has been collected from a third party, the source of the personal data

If there are exceptional circumstances that mean we can refuse to provide the information, we will explain the same. If requests are malicious or manifestly unfounded we reserve the right to refuse them. If answering requests is likely to require additional time or occasions unreasonable expense (which you may have to meet), we will inform you.

The right to restrict processing

You may ask us to stop processing your personal data. We will still hold the data, but will not process it any further. This right is an alternative to the right to erasure. If one of the following conditions applies you may exercise the right to restrict processing:

- a) The accuracy of the personal data is contested.
- b) Processing of the personal data is unlawful.
- c) We no longer need the personal data for processing but the personal data is required for part of a legal process.
- d) The right to object has been exercised and processing is restricted pending a decision on the status of the processing.

The right to data portability

You may request your set of personal data be transferred to another controller or processor, provided in a commonly used and machine-readable format. This right is only available if the original processing was on the basis of consent, the processing is by automated means and if the processing is based on the fulfilment of a contractual obligation

The right to object

The right to object to us processing certain types of information when:

- a) Processing is based on legitimate interest;
- b) Processing is for the purpose of direct marketing;
- c) Processing is for the purposes of scientific or historical research; or
- d) Processing involves automated decision-making and profiling.

The Information Commissioner's Office provides [more information](#) about these rights.

If you would like to contact us about any of these rights, please email us at privacy@wellspringacademies.org.uk or write to us at:

Data Protection Officer
Wellspring Academy Trust
Digital Media Centre
County Way
Barnsley
S70 2JW

We will respond to you within 30 days of receiving your request and you will not be charged for this service.

13. Complaints

Should you wish to discuss a complaint, please feel free to contact us using the details provided above. All complaints will be treated in a confidential manner.

Should you feel unsatisfied with our handling of your data, or about any complaint that you have made to us about our handling of your data, you are entitled to escalate your complaint to a supervisory authority. For the UK, this is the ICO (Information Commissioner's Office), which is also our lead supervisory authority. The ICO's contact information can be found at <https://ico.org.uk/global/contact-us/>.