



WELLSPRING

We Make A Difference

Pupil Privacy Notice

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, 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 notice 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?
8. How we may disclose personal information
9. International Transfers
10. Storage, Retention & Disposal
11. Data Security
12. Your rights
13. Complaints
14. Annex A: How Government uses your data

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 or 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: Matthew Lindsay
Email: privacy@wellspringacademies.org.uk
Telephone: 07538 702148

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

The categories of pupil information that we process include:

- Personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- Characteristics (such as ethnicity, language, and free school meal eligibility)
- Safeguarding information (such as court orders and professional involvement)
- Special educational needs (including the needs and ranking)
- Medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- Attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- Assessment and attainment (such as key stage 1 and phonics results, post 16 courses enrolled for and any relevant results)
- Behavioural information (such as exclusions and any relevant alternative provision put in place)
- Images such as photographs or CCTV recordings (these could be for identification purposes within our MIS or for use on social media platforms)

In respect of data that we process of 'children in need' or 'looked after children' this would also include:

- Episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information)
- Episodes of being looked after (such as important dates, information on placements)
- Outcomes for looked after children (such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending)
- Adoptions (such as dates of key court orders and decisions)
- Care leavers (such as their activity and what type of accommodation they have)

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 and CCTV images)
- To meet the statutory duties placed upon us for DfE data collections
- To facilitate external educational trips and activities
- For pupil identity management and authentication such as in relation to pupil transport and catering management
- To carry out research
- To assess the quality of the Trust assurance services
- To manage compliments and complaints
- To comply with the law regarding data sharing
- For the detection and prevention of crimes
- For the establishment, exercise or defence of legal claims
- Evaluate and improve our policies on children's social care (In respect of data that we process of 'children in need' or 'looked after children')

4. How is your personal information collected?

The Trust collects the majority of your personal data directly from the pupil or their parent, guardian or carer during the pupil application process. This may be supplemented by further information that they provide during a pupil's education journey with us. Further to this we will also be provided with personal data by outside organisations such as a previous educational institution (as part of the common transfer file process) or the local authority as detailed under Section 7.

Pupil data is essential for the Trust and individual academies operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the 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.

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 a communication system that we think would benefit you and your family or to use your images on our social media account. 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. If you have changed your mind, or you are unhappy with our use of your personal data and cannot locate the contact details for your academy to withdraw your consent, please let us know by contacting the Trust Data Protection Officer (DPO) using the details in Section 2 of this privacy notice.
- 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 5 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	Legal obligation: The Education (Pupil Registration) (England)	This includes special category data processed under the substantial public interest exemption.

address.	Regulations 2006	We may also hold data about pupils that we have received from other organisations, including other schools, academies, 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.
Data to assist the local authority in their statutory duty to investigate the safeguarding and care of children in need or looked after children in their area.	Legal obligation: Children Act 1989	This includes special category data processed under the substantial public interest 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.
Accident records and reports.	Legal obligation: Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013	This includes special category data processed under the establishment, exercise or defence of legal claims exemption.
School Meal Provisions.	Legal obligation: Education Act 1996	
Assessment and attainment (such as key stage 1 and phonics results, post 16	Public Task	

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	
Photographs and Video images used for social media purposes or as part of our marketing materials.	Consent	Marketing materials in this respect relate to the individual academy prospectus and/or websites that form part of the Trust IT infrastructure.
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 such as the local authority and the Department for Education
- 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

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:

[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](#)

We share children in need and children looked after data with the Department for Education (DfE) on a statutory basis, under [Section 83 of 1989 Children's Act](#), [Section 7 of the Children and Young Persons Act 2008](#) and also under [section 3 of The Education \(Information About Individual Pupils\) \(England\) Regulations 2013](#).

All data is transferred securely and held by the Department for Education (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 at Annex A of this document.

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

The information shared is limited to the child's name, address and date of birth. However where a parent or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the child / pupil once they reach the age 16.

Data is securely transferred to the youth support service via the local authorities stipulated secure file transfer system and is stored electronically within that system and held in line with the authorities data retention period.

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

Data is securely transferred to the youth support service via the local authorities stipulated secure file transfer system and is stored electronically within that system and held in line with the authorities data retention period.

For more information about services for young people, please visit the relevant local authority website for your region.

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 that are reviewed one an annual basis.

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 notice 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

Under data protection legislation, parents, carers and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given

access to your child's educational record, contact the Trust Data Protection Officer using the details on page 11 below.

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.

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.

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

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/>.

14. Annex A: How Government uses your data

The pupil data that we lawfully share with the the Department for Education (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 (DfE) (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 (DfE) 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 for Education (DfE).

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 for Education (DfE)

The law allows the Department for Education (DfE) to share pupils' personal data with certain third parties, including:

- schools and 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 for Education's (DfE) 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 the Department for Education (DfE) to request access to individual level information relevant to detecting that crime.

For information about which organisations the Department for Education (DfE) has provided pupil information, (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/dfе-external-data-shares>

How to find out what personal information the Department for Education (DfE) holds about you

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department for Education (DfE):

- 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 for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within the Department for Education's (DfE) personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

To contact the Department for Education (DfE): <https://www.gov.uk/contact-dfe>