

## **Privacy Notice for parents and carers – use of your child’s personal data**

### **Introduction**

Under UK data protection law, individuals have a right to be informed about how our trust uses any personal data that we hold about them. We comply with this right by providing ‘privacy notices’ (sometimes called ‘fair processing notices’) to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **pupils at our school**.

This privacy notice applies whilst we believe your child is not capable of understanding and exercising their own data protection rights.

Once your child is able to understand their rights over their own data (generally considered to be age 12), but this has to be considered on a case-by-case basis), you should refer to our privacy notice for pupils to see what rights they have over their own personal data. (This privacy notice can be found on the school’s website)

We, Birmingham Diocesan Multi-Academy Trust, are the “data controller” for the purposes of UK data protection law.

Birmingham Diocesan Multi-Academy Trust Schools:

Austrey Church of England Primary School – Warwickshire  
Bentley Heath Church of England Primary School - Solihull  
Christ Church, Church of England Secondary Academy – Yardley Wood  
Coleshill Church of England Primary School – Coleshill (North Warwickshire)  
Hawkesley Church Primary Academy – Kings Norton  
Holy Trinity Church of England Primary Academy – Handsworth  
Lady Katherine Leveson Church of England Primary School - Solihull  
Nethersole Church of England Primary Academy – Polesworth (North Warwickshire)  
Nonsuch Primary School – Woodgate Valley  
Newton Regis Church of England Primary School – Tamworth (Staffordshire)  
Quinton Church Primary School -Quinton  
St. Clement’s Church of England Primary Academy – Nechells  
St. George’s Church of England Primary Academy – Edgbaston  
St. George’s Church of England Primary Academy – Newtown  
St. Margaret’s Church of England Primary School - Solihull  
St. Michael’s Church of England Primary Academy – Handsworth  
St. Michael’s Church of England Primary Academy – Bartley Green  
Warton Nethersole's Church of England Primary School - Tamworth (Staffordshire)  
Woodside Church of England Primary School – Warwickshire

We are an education organisation and our contact details are:

|                   |  |
|-------------------|--|
| Address:          | 1 Colmore Row, Birmingham, B3 2BJ                                  |
| Email:            | <a href="mailto:enquiries@bdmat.org.uk">enquiries@bdmat.org.uk</a> |
| Telephone number: | 0121 426 0403  |

Our Data Protection Officer (DPO) is Michele Fullwood, Head of School Support, who can be contacted at 1 Colmore Row, Birmingham, B3 2BJ, [dpo@bdmat.org.uk](mailto:dpo@bdmat.org.uk) or 0121 426 0403 if you have any queries about this notice or anything related to data protection.

### **The personal data we hold.**

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

- Contact details, contact preferences, date of birth, identification documents unique pupil number.
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as pupil results for external and internally set tests)
- Pupil and curricular records
- Behaviour information (such as exclusions information, interventions in place, professionals involved if any)
- Safeguarding information
- Details of any support received including care packages, plans and support providers

We may also collect, use, store and share (when appropriate) information about your child that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

- Medical Information (such as GP names and addresses, details of medical needs such as asthma, allergies, diabetes and other medical conditions including mental health)
- Photographs
- CCTV images captured in school
- Special Educational Needs information (such as diagnosis if any, support in place, professional involved, assessment of need)
- Characteristics (such as ethnicity, language, nationality, country of birth and free meal eligibility)

- Recordings of online streaming of remote learning

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities, social services and the Department of Education.

### **Why we use this data**

We use the data listed above to:

- a) To support pupil learning, including remote learning online during COVID 19 lockdowns or when agreed with all parties that remote learning is in the best interest of the child
- b) Contact parents/carers to support their child.
- c) To monitor and report on pupil progress.
- d) To provide appropriate pastoral care.
- e) To protect pupil welfare.
- f) To assess the quality of our services, including remote learning online during COVID 19 lockdowns
- g) To administer admissions waiting lists.
- h) To carry out research
- i) To comply with the law regarding data sharing.

### **Use of your child's personal data in automated decision making and profiling**

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

### **Our lawful basis for using this data:**

Our lawful bases for processing your child's personal data for the purposes listed in "**Why we use this information**" section above are as follows:

For the purposes of a) b) c) d) f) g) and h) from the section "**Why we use this information**" in accordance with the "public task" basis – we need to process personal data to fulfil our statutory function as a school as set out here:

- The Education Act 1996 requires that schools operate and that children in England and Wales aged five to 16 receive full-time education
- Coronavirus Act 2020 Provision of Remote Education (England) Temporary Continuity Direction ('the Direction') which requires schools to provide online learning for all its pupils during COVID19 Lockdowns.

For the purposes of b) d) and e) from the section **“Why we use this information”** in accordance with the “public task” basis – we need to process personal data to process data to fulfil our statutory function as a school as set out here:

- The Children Acts of 1989 and 2004
- Keeping Children Safe in Education
- Working Together to Safeguard Children

For the purposes of i) from the section **“Why we use this information”** in accordance with the “Legal Obligation” basis – we need to process personal data to meet our responsibilities under law as set out here:

- UKGDPR and Data Protection Act 2018

For the purposes of a) b) e) and h) from the section **“Why we use this information”** in accordance with the “Legitimate Interests” basis - where there is a minimal privacy impact and we have a compelling reason including:

- where we let out school facilities, arrange or facilitate after-school or extra-curricular activities, or sporting events not part of taught sports in the school.
- Where we engage with third parties to provide resources for pupil learning (see **Who we share data with** section)

Less commonly, we may also process pupils’ personal data in situations where:

We have obtained consent to use it in a certain way, for example parental consent for a learner to attend a school visit or parental consent to use photographs of pupils for display purposes.

Where we have obtained consent to use pupils’ personal data, this consent can be withdrawn at any time. We will make it clear when we ask for consent and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils’ personal data overlap, and there may be several grounds which justify our use of the data.

### **Our basis for using special category data**

For ‘special category’ data, we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in UK data protection law:

- We have obtained your explicit consent to use your child's personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in UK data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

### **Collecting this data**

Whilst the majority of pupil information we collect about your child is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

Most of the data we hold about your child will come from you, but we may also hold data about your child from:

- Local authorities
- Government departments or agencies
- Police forces, courts, tribunals
- Previous schools
- Other professionals

### **How we store this data**

We keep personal information about your child while they are attending one of our schools. We may also keep it beyond their attendance at one of our schools if this is necessary.

We hold pupil data in line with data retention guidelines, which can be found on the BDMAT website <https://bdmatschools.com/documents/bdmat-retention-policy/> sets out how long we keep information about pupils, and a copy is available via this link.

We have put in place appropriate security measures to prevent your child's personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your child's personal data securely when we no longer need it.

### **Who we share data with.**

We do not share information about your child with any third party unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and complies with UK data protection law) we may share information about pupils with:

- Schools/academies that the pupil's attend after leaving us; to assist them in discharging their legal duties.
- Our local authority; to meet our legal obligations such as safeguarding concerns and exclusions
- Other local authorities; to share information if you should move out of the area
- The Department for Education (DfE); for statutory returns
- The pupil's family and representatives; in order to confirm attendance/registration at school and query or check accuracy of data.
- Auditors: to ensure schools are accessing all funding due to them and to comply with legislation such as the Academes Handbook.
- Educators and examining bodies – to support pupil eLearning and assessment

- Our regulator – Ofsted
- Survey and research organisations
- Our youth support services provider
- Financial organisations
- Security organisations
- Health Authorities; to assist them in discharging their legal duties
- NHS Track and Trace
- Health and welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts and tribunals
- Schools nurses; to assist them in discharging their legal duties
- Suppliers and service providers – to enable them to provide the service we have contracted them for. For example:
  - Outsourced provider of dinner numbers - Sodexo
  - Outsourced provider for text messaging services for pupils - Seesaw
  - Outsourced provider for free school meal entitlement tracker – Warwickshire Education Services
  - Outsourced provider for reception children’s academic progress - Tapestry
  - Outsourced provider for Year 1 to Year 6 assessment tracking - Arbor
  - Outsourced provider for safeguarding monitoring of all pupils - CPOMMS
  - Out sourced provider for year 1-6 assessment tracker - Arbor
  - Out sourced provider for Admissions – Warwickshire Education Services
  - Outsourced provider for e-learning service for pupils - Seesaw
  - Outsourced provider for remote learning for pupils during COVID 19 lockdown - Seesaw

### **The National Pupil Database (NPD)**

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years’ census.

Some of this information is then stored in the [National Pupil Database](#) (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with third parties, such as other organisations which promote children’s education or wellbeing in England.

These third parties must agree to strict terms and conditions about how they will use the data.

For more information, see the Department's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) with any further questions about the NPD.

### **Transferring data internationally**

We may share personal information about your child with the following international third parties, where different data protection legislation applies:

- 3P (Mathletics) has its main data location as the East US 2 region within Microsoft Azure. In accordance with EU GDPR requirements, Microsoft Azure complies with both the EU-US privacy shield and EU Model Clauses.
- The Schoolcomms Products and Services only processes personal information in the UK. Some supporting services (EG Microsoft CRM), might use cloud platforms that operate from Third Countries outside of the EEA. Where this is the case, Schoolcomms ensure that adequate safeguards are established to protect your data.
- Class Dojo complies with the requirements set forth in the EU-U.S. and Swiss-U.S. Privacy Shield.
- Other schools if you move abroad

Where we transfer your child's personal data to a third-party country or territory, we will do so in accordance with UK data protection law.

### **Your Rights**

#### **How to access to personal information that we hold about your child – Subject Access Request (SAR)**

You have a right to make a "subject access request" to gain access to personal information that we hold about your child.

If you make a subject access request, and if we do hold information about your child, we will (subject to any exemptions that apply):

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
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- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your child's personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact us (see 'Contact us' below).

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), we will need to obtain consent from your child for you to make a subject access request on their behalf.

Subject access requests can be made verbally. To ensure that your verbal request is fully understood the Information Commissioners Office (ICO) on their website say the following:

*Yes. You can make a subject access request verbally, but we recommend you put it in writing if possible because this gives you a record of your request.*

*If you are making a verbal request, try to:*

- *use straightforward, polite language.*
- *focus the conversation on your subject access request.*
- *discuss the reason for your request, if this is appropriate – work with them to identify the type of information you need and where it can be found.*
- *ask them to make written notes – especially if you are asking for very specific information; and*
- *check their understanding – ask them to briefly summarise your request and inform them if anything is incorrect or missing before finishing the conversation.*

*However, even if you make your request verbally, we recommend you follow it up in writing (eg by letter, email or using a standard form).*

So, to avoid confusion we ask you when making a subject access request, you do so by contacting our Data Protection Officer, Michele Fullwood, in writing to Birmingham Diocesan Multi-Academy Trust, 1 Colmore Row, Birmingham, B3 2BJ or by email to [dpo@bdmat.org.uk](mailto:dpo@bdmat.org.uk)

### **Your right to access your child's educational record**

The law states for academies, including free schools, and independent schools: there is no automatic parental right of access to the educational record in these settings.

We will however, in good faith and in line with maintained schools; give parents, or those with parental responsibility, free access to their child's educational record (which includes most information about a pupil) within 15 school days of receipt of a written request.

There are certain circumstances in which these requests can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

You can contact the Headteacher at your child's school for this information or email the Data Protection Officer [dpo@bdmat.org.uk](mailto:dpo@bdmat.org.uk)

### **Your other rights regarding your child's data**

Under UK data protection law, you have certain rights regarding how your child's personal data is used and kept safe. For example you have the right to:

- Object to processing of your child's personal data
- Prevent processing of your child's personal data for the purpose of direct marketing.
- Object to decisions being taken by automated means.
- In certain circumstances, have your child's personal data rectified, erased or restricted in its processing
- Withdraw your consent, where you have previously provided it for collection, processing and transfer of your child's personal data for a specific purpose.
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the Data Protection Regulations.

To exercise any of these rights, please contact our Data Protection Officer, Michele Fullwood, Birmingham Diocesan Multi-Academy Trust, 1 Colmore Row, Birmingham, B3 2BJ or email [dpo@bdmat.org.uk](mailto:dpo@bdmat.org.uk)

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), we will need to obtain consent from your child for you to make a subject access request on their behalf.

### **Complaints**

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint contact our Data Protection Officer, Michele Fullwood, Birmingham Diocesan Multi-Academy Trust, 1 Colmore Row, Birmingham, B3 2BJ or [dpo@bdmat.org.uk](mailto:dpo@bdmat.org.uk)

Alternatively, you can make a complaint to the Information Commissioner's Office:

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

### **Contact us**

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our Data Protection Officer, Michele Fullwood, Birmingham Diocesan Multi-Academy Trust, 1 Colmore Row, Birmingham, B3 2BJ or [dpo@bdmat.org.uk](mailto:dpo@bdmat.org.uk)

### **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 drafted on December 17<sup>th</sup>, 2021