



# **Nexus Education Schools Trust**

## **Privacy Notice – use of pupils’ personal data**

**Date: July 2024**

## 1. Introduction

We take the privacy of our pupils very seriously.

To help you understand what we are doing to protect your personal information, we have created this Privacy Notice which explains what information we collect about you, why we collect it, what we do with it, who we share it with, and what rights you have.

Our trust, Nexus Education Schools Trust, is the 'Data Controller' for the purposes of UK data protection law.

We have a Trust appointed Data Protection Officer who is responsible for ensuring compliance and monitoring the effectiveness of this policy. They can be contacted at [office@nestschools.org](mailto:office@nestschools.org).

In this Privacy Notice, we use some terms that you may not be familiar with:

- **Personal data:** This means any information that can be used to identify a person, that relates to them in some way. For example, information that identifies you (such as your name and when you were born), your contact details (such as your home address and email address), photographs, information about how often you attend lessons and information about you in letters and emails.
- **Process:** Means anything we might do with personal data, including using it, sending it to other organisations, and deleting it.
- **Data Controller:** This is the person or organisation that is in charge of the way your personal data is used.
- **Data Protection Officer (DPO):** This is the person within the Trust who is in charge of making sure we comply with our duties under data protection law.
- **Information Commissioner's Office:** Also known as the "ICO", this is the organisation that is responsible for regulating data protection in the UK.

This Privacy Notice is aimed at pupils who attend schools within the Trust and their families. It also covers those who used to attend schools within the Trust, and those who have a place to join in the future.

## 2. The personal data of pupils that we process

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

- Name and contact details, date of birth, pupil number, identification documents
- Educational records (this includes information about your attendance, how you are doing at school, your coursework and exam results).
- Information about your behaviour in school and at your old school, including whether you have ever been excluded.
- Information about whether you are entitled to free school meals.
- Correspondence about you, such as emails or letters sent to your parents.
- Information about your safety and wellbeing.
- Photos and videos of you.
- Images of you taken from the school's CCTV cameras
- Information about your wellbeing, including any support or care you are receiving

Some types of personal data are given extra protection in the law because it is particularly sensitive – these are called "**special categories of personal data**" and "**personal data relating to criminal offences and convictions**" (criminal offence data).

The special categories of personal data are: race / ethnic origin; political opinions; religious beliefs; trade union membership; genetic information; biometric information (if it is used to identify you); health information; and information about someone's sex life or sexual orientation.

We only process special categories of personal data and criminal offence data where the law allows us to. We may process:

- Information about your religion or beliefs, for example if you have specific dietary requirements or need time for prayer in school hours.
- Information about your health and any medical conditions we need to be aware of, including physical and mental health, for example details of a medication you may need to take or a disability you may have.
- Information about characteristics, such as ethnic background or special educational needs.

### 3. Where your personal data comes from

Some of the personal data we process comes directly from you, for example information you give to your teachers. We also receive your personal data from your family, members of our staff (such as your teachers or our reception staff), and your old school(s).

Sometimes, we may receive your personal data from other organisations such as the local authority, the police, your doctor, and the Department for Education (DfE).

The law says that we must collect certain information from you and/or your parents in order to provide you with an education. If we do not receive this information, we may not be able to provide you with a place at our schools.

### 4. Why we use your data

We need to process pupil personal data for a range of reasons, but mostly because we need it to run our schools, provide pupils with an education and look after pupils when they are in our care.

### 5. Our lawful basis for using your data

We must have a valid legal reason (known as a lawful basis) in order to process your personal data. These are:

- **To comply with our legal obligations.** For example, this applies when we are:
  - Following legal requirements set by the DfE that require us to collect personal data about our pupils.
  - Complying with laws relating to attendance and monitoring/reporting on pupil progress.
  - Protecting pupils and providing appropriate care.
  - Measuring how well our schools are doing in providing pupils with an education.
- Because **we have a task to do that is in the public interest** (this means something we need to do in everyone's interest) or to allow us to carry out our official functions that we are required to carry out by law, for example:
  - To run our schools, provide education and so we can look after our pupils properly.
  - To support learning.
  - To monitor the use of IT systems to make sure they are being used appropriately.
  - Dealing with a complaint or carrying out an investigation.
- Because **we or another organisation have a "legitimate interest"** in using your personal data in a certain way, and this reason overrides your rights and interests (we only rely on this where the way that we need to process personal data is outside the scope of our official functions). For example, this may include:
  - Where we need to use pupil personal data for reasonable purposes such as obtaining insurance or asking for advice from someone outside the Trust.
  - To share information with third parties such as the police when they are investigating a crime.
- **We need to process personal data to protect a person's vital interests.** For example, if there is a

medical emergency.

- We rely on your **consent**.
  - We do not usually rely on consent to process pupil personal data but occasionally we may want to use your personal data in a way that is completely optional. For example, if we would like to use photographs or videos of you on social media, our website or in our prospectus.
  - Sometimes, we may ask your parents to consent for you but as soon as you are mature enough to understand we will ask for your consent directly (this is usually around the age of 12). If your parent has provided consent for you but you do not agree, please let us know. It is your personal data and you are in control.
  - When we ask for your consent to use your personal data, remember:
    - You can refuse.
    - Even if you consent you can always change your mind later.
    - If you want to withdraw your consent, you can do this at any time, just contact our DPO using the above details.
    - If you decide to withdraw your consent, that doesn't mean that our use of your personal data before you stopped consenting is against the law.
    - If we are relying on your consent to do something for you and you do not want to provide it (or withdraw it), we may not be able to provide you with what you have asked. We will let you know at the time if this is the case.

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 this data.

## 5.1 Our lawful basis for using special category data

Because it is so sensitive, when we process special categories of personal data or criminal offence data, we need to have an extra legal reason to use it. These include:

- **Explicit consent:** For example, we need this when we are using systems that use biometric data (such as fingerprints or facial recognition) for our [door entry systems] [cashless catering] [lockers] [library book borrowing].
- **Vital interests:** For example, to share information about your health with a doctor in a medical emergency.
- **Legal Claims or Judicial Acts:** For example, if you or your parents are taking us to court, we may need to use your personal data to defend ourselves.
- **Reasons of Substantial Public Interest:** For example, to share information with the police or children's social care where this is necessary to protect a pupil.
- **Health or Social Care:** For example, where it is necessary to share pupil personal data with a health professional such as a speech and language therapist.
- **Public Health:** For example, where pupil information needs to be collected and used in connection with a public vaccination programme or in response to a pandemic such as the COVID-19 pandemic. Where this happens, the data is handled by a health professional such as a nurse or someone who by law must keep your information confidential.

## 6. How we store this data

We only keep your personal data for as long as we need it. Personal data held in your pupil file (this contains key information about your time at school) is usually kept until your 25<sup>th</sup> birthday, unless you move to another school, in which case we send your file to your new school.

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

## 7. Who we share pupil personal data with

We will only ever share your information outside the Trust where the law says we can or should. Examples of who we may need to share pupil personal data with include:

- Our local authority, – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions
- The Department for Education
- The pupil's family and representatives
- Educators and examining bodies
- Our regulator, e.g. Ofsted, NEST
- Suppliers and service providers – to enable them to provide the service we have contracted them for, for example organisations who handle payments for school trips
- Central and local government
- Our legal advisors, accountants and auditors
- Local Health authorities
- Health and social welfare organisations
- Professional advisers and consultants
- Police forces, courts, tribunals
- Professional bodies
- A pupil's next school or college

### National Pupil Database

We are required to provide information about pupils to the Department for Education 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 for Education 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 for Education'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.

## 8. Transferring your personal data to other countries

Occasionally we may need to transfer pupil personal data outside the UK, for example, if one of the parents

lives abroad or if a pupil moves to a new school abroad. We may also use service providers based outside the UK or who may need to transfer pupil personal data outside the UK.

Whenever pupil personal data is transferred outside the UK, we take steps to make sure it continues to be protected as though it was in the UK. We do this by:

- Wherever possible, only transferring to countries with an adequacy decision. This means that the UK Government has decided that these countries provide the same level or a higher level of protection to personal data as the law in the UK.
- If the countries the personal data is being transferred to does not have an adequacy decision, we use one of the safeguarding measures available under data protection law, such as using contracts.

If you would like more information about how we protect personal data if it is transferred outside the UK, please contact our DPO.

## 9. Automated decision making and profiling

Automated decision-making is when a programmed system uses personal data to make decisions about people without any human involvement. Profiling takes place when different aspects about a person (such as a person's behaviour, interests or personality) are analysed in order to make predictions or decisions about them. Automated decision-making does not have to involve profiling, though it often will.

We will not make decisions that will significantly affect you based solely on automated decision-making (including profiling) unless the law allows it. The Trust does not currently use automated decision-making or profiling systems. If ever we do this, we will always let you know.

## 10. Your data protection legal rights

### 10.1 Your right to access personal information that we hold about you

You have a right to make a 'Subject Access Request' to gain access to personal information that we hold about you.

If you make a Subject Access Request, and if we do hold information about you, 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
- 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 personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact our DPO..

### 10.2 Your other rights regarding your data

Under UK data protection law, you have certain other rights regarding how your personal data is used and kept safe, specifically:

- **The right to rectification:** You can ask us to correct any information we have about you if you think it is wrong or to complete information if you think it's incomplete. This legal right always applies.

- **The right of erasure:** You can ask us to delete or destroy information about you in some circumstances, for example if our use of your personal data is illegal or if we no longer need it.
- **The right to restrict our use of your information:** You can ask us to limit what we are doing with your information in some circumstances, for example you can ask us to stop using your information if you think it is inaccurate and we are checking this.
- **The right to object:** You can object to what we are doing with your information in some circumstances. For example, if we are relying on “legitimate interests” to process your personal data or if you don’t want your personal data to be used for direct marketing purposes (e.g., sending you marketing emails).
- **The right to withdraw consent:** You always have the right to withdraw your consent to the processing of your personal data if we are processing based on your consent.
- **The right to data portability:** You can ask us to transfer your information to another organisation in a format that makes it easy for them to use. This right only applies to personal data held on a computer that we have received directly from you and where we are processing it on the basis of your consent or for a contract we have with you.

These rights do not apply in all circumstances.

Sometimes, your parents might be able to exercise these rights for you. This is only usually appropriate if you are unable to do this yourself and it is in your best interests, or with your consent.

To exercise any of these rights, please contact our DPO .

## 11. Complaints

We take your privacy very seriously and have high standards to keep your personal data safe. If you are not happy with the way we are processing your personal data, you can contact the DPO.

- If we are not able to deal with your complaint or you are still not happy, you have the right to complain to the ICO. You can contact them: online at <https://ico.org.uk/make-a-complaint/>
- By Calling 0303 123 1113
- By writing to: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## 12. Changes to this privacy notice

We will update and change this Privacy Notice from time to time to keep it up to date and accurate. So, please check back to look for changes. If we make a big change then we will let you know.

## 13. Contact us

If you have any questions or concerns or would like more information about anything mentioned in this privacy notice, please contact our **DPO at** [office@nestschools.org](mailto:office@nestschools.org).