

Privacy Notice (How we use child and young person's information)

The categories of child and young person's information that we process include:

- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- characteristics (such as ethnicity and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- 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 placements put in place)

Why we collect and use child and young person's information

We use child and young person's data to:

- a) enable us to carry out specific functions for which we are responsible
- b) derive statistics which inform decisions such as the funding of schools
- c) assess performance and to set targets for schools

Under the General Data Protection Regulation (GDPR), the legal basis we rely on for processing personal information for general purposes are:

Article 6 – paragraph (c) and (e):

- (c) processing is necessary for compliance with a legal obligation to which the controller is subject.
- (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

In addition, concerning any special category data:

- conditions Racial or ethnic origin of [GDPR - Article 9 paragraph \(j\):-](#)

(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Collecting child and young person's information

We collect personal information via secure file transfer from schools.

Children and young person's data is essential for the local authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is 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 personal information to us or if you have a choice in this.

Storing child and young person's data

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please contact the council's Data Protection Officer by email Dpo@southwark.gov.uk, telephone 0207 525 5000 or post:

Data Protection Officer

2nd floor Hub 1

PO Box 64529

London

SE1P 5LX

Who we share child and young person's information with

We routinely share child and young person's information with:

- youth support services (pupils aged 13+)
- the Department for Education (DfE)

Why we regularly share child and young person's information

We do not share information about our children and young people with anyone without consent unless the law and our policies allow us to do so.

Education and training

We hold information about young people living in our area, including about their education and training history. This is to support the provision of their education up to the age of 20 (and beyond this age for those with a special educational need or disability). Under parts 1 and 2 of the Education and Skills Act 2008, education institutions and other public bodies (including the Department for Education (DfE), police, probation and health services) may pass information to us to help us to support these provisions

Youth support services

Pupils aged 13+

Once our pupils reach the age of 13, we also pass pupil information to the 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
- post-16 education and training providers [Pupils aged 16+]

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 he/she reaches the age 16.

Data is securely transferred to the youth support service via secure email and is stored on their secure local authority network hard drive or where relevant on an encrypted laptop. The pupil level data is held until the pupil's 19th birthday or their 25th birthday if they have special educational needs and disabilities. After which personal data is securely removed from their systems and any printed copies securely destroyed.

For more information about services for young people, please visit our local authority website - <https://www.southwark.gov.uk/southwark-creates/talent-development/work-opportunities/support-for-young-people>.

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 children and young people with the Department for Education (DfE) for the purpose of those data collections:

- For the purposes of the school census section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.
- The submission of the school workforce census return, including a set of individual staff records, is a statutory requirement on schools and local authorities by virtue of regulations made under sections 113 and 114 of the Education Act 2005.
- For the purposes of EYFS reporting in accordance with the legal basis of the EYFS (Learning and Development Requirements) Order 2007 (article 4(2)). The Order is made in exercise of the Secretary of State's powers under sections 39(1)(a), 42 and 44 of the Childcare Act 2006 and the Childcare (Provision of Information About Young Children) (England) Regulations 2009 (www.legislation.gov.uk/uksi/2009/1554/made)
- For the purposes of Phonics Screening Check in accordance with the legal basis of the Education (School Performance Information) (England) (Amendment) Regulations 2014.
- For the purposes of KS1 Assessment (phonics is included in this) in accordance with the legal basis of Article 9 of The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004. This Order is made under the Secretary of State's powers as provided for by section 87 of the Education Act 2002. (www.legislation.gov.uk/ukpga/2002/32/section/87)
- For the purposes of KS2 Assessment in accordance with the legal basis of Article 11 of The Education (National Curriculum) (Key Stage 2 Assessment

Arrangements) (England) Order 20032. This Order is made by the Secretary of State under powers provided for by section 87 of the Education Act 2002. (www.legislation.gov.uk/uksi/2003/1038/made)

- For the purposes of the early years census through regulations under Section 99 of the Childcare Act 2006 and The Education (Provision of Information About Young Children) (England) Regulations 2009.
- For the purposes of alternative provision census under the Education (Information about Children in Alternative Provision) (England) Regulations 2007.

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 'How Government uses your data' section on the link above.

Requesting access to your personal data

Under data protection legislation, parents 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 our Data Protection Officer via dpo@southwark.gov.uk or on 020 7525 5000.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact

If you would like to discuss anything in this privacy notice, please contact: Data Protection Officer via dpo@southwark.gov.uk or on 020 7525 5000.

How Government uses your data

The pupil data that we lawfully share with the 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 (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 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.

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

The law allows the Department to share pupils' personal data with certain third parties, including:

- schools
- 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's 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 DfE to request access to individual level information relevant to detecting that crime. Whilst

numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department 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/dfe-external-data-shares>

To contact DfE: <https://www.gov.uk/contact-dfe>