



PRIVACY NOTICE FOR STEP BY STEP SCHOOL

Step by Step School collects data and information about parents, pupils, staff and governors of the School so that it can run effectively. This privacy notice explains how and why we collect such data, what we do with it and what rights parents*/pupils, staff and governors have in relation to the personal data and information collected.

We are an Independent Special Needs School and a registered Charity and act as the data controller for the purposes of General Data Protection Regulation (GDPR). The Step by Step School is a charitable company limited by guarantee under company number 1091258. The Charity's offices are at Step by Step School.

As the legal entity responsible for the School, the Charity acknowledges its obligations to parents, pupils, staff and governors under the GDPR in relation to their personal data and is committed to the principles of data protection as detailed in the School's General Data Protection Regulation (GDPR) Policy.

Why do we collect and use information?

1. Parent/pupil information

We collect and use pupil information under the following lawful bases:

- where we have the consent of the data subject (Article 6 (a));
- where it is necessary for compliance with a legal obligation (Article 6 (c));
- where processing is necessary to protect the vital interests of the data subject or another person (Article 6(d));
- where it 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 (Article 6 (e)).

Where the personal data we collect about pupils is sensitive personal data, we will only process it where:

- we have explicit consent;
- processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and / or
- processing is necessary for reasons of substantial public interest, on the basis of 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.

Please see our GDPR Policy for a definition of sensitive personal data.

We use the pupil data to support our statutory functions of running a school, in particular:

- to support pupil learning;
- to monitor and report on pupil progress;
- to provide appropriate pastoral care;
- to assess the quality of our services;
- to comply with the law regarding data sharing;

- for the protection and welfare of pupils and others in the School;
- for the safe and orderly running of the School;
- for the administration and business functions of the School.
- for external trips and visits

The categories of pupil information that we collect, hold and share include:

- Personal information (such as name, unique pupil number, address, gender and date of birth);
- Parent details (such as name, address, telephone number, email, relationship to pupil, divorced, court order in place etc);
- Characteristics (such as ethnicity, language, medical conditions, nationality, country of birth, dietary requirements and free school meal eligibility);
- Attendance information (such as sessions attended, number of absences and absence reasons);
- Admission information (such as application and registration paperwork);
- Emergency contact details;
- Medical Information (such as medical condition, medication, internal healthcare plans, doctor's details and hospital details);
- SEN and Disability Information (such as EHC plan and internal educational plans);
- Pupil record from previous setting;
- Educational information (such as IEPs, school books, school work, internal assessments, internal educational tracking data, pupil premium eligibility);
- School Report;
- Behaviour information (such as IBPs, incidences of challenging behaviour, records of physical intervention);
- Correspondence relating to the pupil with parents and external agencies.

From time to time and in certain circumstances, we might also process personal data about pupils, some of which might be sensitive personal data, including child protection/safeguarding. This information is not routinely collected about pupils and is only likely to be processed by the School in specific circumstances relating to particular pupils, for example, if a child protection issue arises or if a pupil is involved in a criminal matter. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and/or the Police. Such information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

We collect information about pupils when they join the school and update it during their time on the roll as and when new information is acquired. We may also ask you to review some of the personal information we hold to ensure that it is accurate.

Collecting pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the GDPR, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this. Where appropriate, we will ask parents for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to use photos or images of pupils on our website to promote school activities. Parents may withdraw consent at any time.

Where it is appropriate and possible, when pupils are deemed to be old enough to make their own decisions in relation to their personal data, we will also ask the pupil for their consent in these

circumstances. We wish to take a collaborative approach so we will keep parents informed when we are approaching pupils for consent up to the age of 16. Pupils with the capacity to make their own decisions about their personal data may withdraw consent if consent has previously been given.

Who do we share pupil information with?

The pupil information and data we are provided with is shared with staff at the School where necessary.

We routinely share pupil information with:

- schools that pupils attend after leaving us;
- a pupil's home/funding local authority;
- the Department for Education (DfE);
- The Board of Trustees/Governors;
- External accreditation organisations, such as ASDAN;
- Other educational settings attended by our students;
- Off-site activities run by external providers.

From time to time, we may also share pupil information other third parties including the following:

- the Police and law enforcement agencies;
- health professionals including speech & language therapists, educational psychologists;
- Education Welfare Officers;
- Courts, if ordered to do so;
- Social Care and other external agencies;
- Prevent teams in accordance with the Prevent Duty on schools;
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances;
- our legal advisors;

Some of the above organisations may also be Data Controllers in their own right in which case we will be jointly controllers of your personal data and may be jointly liable in the event of any data breaches.

In the event that we share personal data about pupils with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

Why we share pupil information

We do not share information about our pupils with anyone without consent unless the law allows us to do so.

We are required to share information about our pupils with the DfE under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

- Data collection requirements

To find out more about the data collection requirements placed on us by the 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)

The NPD is owned and managed by the 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 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.

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 NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the DfE, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The DfE may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance
- The DfE has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:
 - who is requesting the data;
 - the purpose for which it is required;
 - the level and sensitivity of data requested; and
 - the arrangements in place to store and handle the data.

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the DfE's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the DfE has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

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

2. Staff

We collect and use your information under the following lawful bases:

- a. where we have the consent of the data subject (Article 6 (a));
- b. where it is necessary for compliance with a legal obligation (Article 6 (c));
- c. where processing is necessary to protect the vital interests of the data subject or another person (Article 6(d));
- d. where it 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 (Article 6 (e)).

Where the personal data we collect about you is sensitive personal data, we will only process it where:

- a. we have explicit consent;
- b. processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and / or

- c. processing is necessary for reasons of substantial public interest, on the basis of 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.

Please see the School's GDPR Policy for a definition of sensitive personal data.

We use staff data to:

Support our statutory functions of running a school and in order to meet responsibilities, in particular:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- to ensure the health, safety and wellbeing of staff
- enable individuals to be paid
- for the protection and welfare of pupils and others in the School;
- for the safe and orderly running of the School;
- for the administration and business functions of the School.

The categories of staff information that we collect, hold and share includes:

- personal information (such as name, address, employee or teacher number, national insurance number)
- characteristics information (such as gender, age, ethnic group)
- contract information (such as start date, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- medical information
- payroll information

Collecting staff information

Workforce data is essential for the school'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 GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this.

We collect personal information via:

- staff contracts
- personal information forms

Who we share staff information with

We routinely share this information with:

- the Department for Education (DfE)
- WBD (accountant and payroll provider)

Why we share school staff information

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

- Department for Education

The Department for Education (DfE) collects personal data from educational settings via various statutory data collections. We are required to share information about our workforce with the Department for Education (DfE) for the purpose of those data collections, under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

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.

- How Government uses your data

The workforce data that we lawfully share with the DfE through data collections:

- informs departmental policy on pay and the monitoring of the effectiveness and diversity of the school workforce
- links to school funding and expenditure
- supports 'longer term' research and monitoring of educational policy

- Sharing by the Department

The Department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

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

3. Governors

We collect and use your information under the following lawful bases:

- a) where we have the consent of the data subject (Article 6 (a));
- b) where it is necessary for compliance with a legal obligation (Article 6 (c));
- c) where processing is necessary to protect the vital interests of the data subject or another person (Article 6(d));
- d) where it 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 (Article 6 (e)).

Where the personal data we collect about you is sensitive personal data, we will only process it where:

- a) we have explicit consent;
- b) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and / or
- c) processing is necessary for reasons of substantial public interest, on the basis of 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.

Please see the School's GDPR Policy for a definition of sensitive personal data.

We use your data to support our statutory functions of running a school and in order to meet responsibilities, in particular:

- a. for the protection and welfare of pupils and others in the School;
- b. for the safe and orderly running of the School;
- c. for the administration and business functions of the School.

The categories of Governor member information that we collect, hold and share includes:

- a. Personal information (such as name, address, email contact details, Business Interest Declarations for both members and their close relatives);
- b. Photographs taken for the School website
- c. Recording of DBS date issued and number

We collect information about you when you join the Governing Body and it is updated during your four-year membership as a Governor/Trustee at the School as and when new information is acquired or created. We may also ask you to review some of the personal information we hold to ensure that it is accurate.

Collecting information about Governors

Most of the information you provide to us is on a voluntary basis. In order to comply with the GDPR, we will inform you whether you are required to provide certain information to us or if you have a choice in this. Where appropriate, we will ask you to consent to processing personal data where there is no other lawful basis for processing it. Where you have given consent for the processing of personal information for a specific purpose, you are entitled to withdraw consent at any time.

Who do we share Governors' information with?

From time to time, we may also need to share your information with other third parties including the following:

- NGA
- Disclosure and Barring Service

Some of the above organisations may also be Data Controllers in their own right in which case we will be jointly controllers of your personal data and may be jointly liable in the event of any data breaches.

In the event that we share your personal data with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

Why we share your information

We do not share information about you with anyone without consent unless the law allows us to do so.

Storing and keeping parent/pupil, staff and governor data

We hold parent/pupil, staff and governor data in accordance with the School's Document Management and Retention Policy (see GDPR Policy).

A significant amount of personal data is stored electronically, for example, on our database, information management systems and IT systems. Some information may also be stored in hard copy format.

Data stored electronically will be saved within a hybrid solution: on premises as part of a Local Area Network and within the Cloud Platform on EU based servers and on servers hosted in UK Data Centres. The School's contract with Focus Group contains the necessary provisions to ensure the security of personal data.

Requesting access to your personal data

Under data protection legislation, parents/pupils, staff and governors have the right to request access to information about them that we hold (“Subject Access Request”). Where a child does not have the capacity/maturity to make their own requests for personal data, parents may do so on their behalf. To make a request for your child’s personal data, or be given access to your child’s educational record, contact one of the School’s Data Protection Lead (dpl@stepbystepschool.org.uk); although any written request for personal data will be treated as potential a Subject Access Request.

Where we consider a pupil to have sufficient capacity/maturity to understand their own rights, we will require a Subject Access Request to be made by the pupil and not their parent(s) on their behalf. This does not affect any separate statutory right parents might have to access information about their child.

Subject to the section below, the legal timescales to respond to a Subject Access Request is one calendar month. As the School has limited staff resources outside of term time, we encourage parents/pupils, staff and governors to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. For further information about how we handle Subject Access Requests, please see the School’s GDPR Policy.

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
- claim compensation for damages caused by a breach of our data protection responsibilities.

If you have a concern about the way we are collecting or using pupil data, you should raise your concern with us in the first instance by contacting the School’s Data Protection Lead (dpl@stepbystepschool.org.uk). Alternatively, you can contact directly the Information Commissioner’s Office at <https://ico.org.uk/concerns/>

Contact:

If you have any queries regarding this notice or the use of parent/pupil, staff or governor personal information, please write to dpl@stepbystepschool.org.uk

Please note that this Privacy Notice may be updated from time to time. We recommend you check it regularly for any changes.

* The term “parent” is widely defined in education law to include the natural or adoptive parents (regardless of whether parents are or were married, whether a father is named on a birth certificate or has parental responsibility for the pupil, with whom the pupil lives or whether the pupil has contact with that parent), and also includes non-parents who have parental responsibility for the pupil, or with whom the pupil lives. It is therefore possible for a pupil to have several “parents” for the purposes of education law.

Written May 2018