



## PRIVACY NOTICE

## HERNE BAY HIGH SCHOOL IS A DATA CONTROLLER

Herne Bay High School are the 'data controller' of personal information you and our feeder schools provide to us for the purposes of data protection law. This means the school determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed.

In some cases, personal data will be provided to a third-party processor; however, this will only occur with your consent, unless the law requires the school to share your data. Where the school outsources data to a third-party processor, the same data protection standards that Herne Bay High School upholds are imposed on the processor.

Mr S Waters is Herne Bay High School's Data Protection Officer. Their role is to oversee and monitor the school's data protection procedures, and to ensure they are compliant with the GDPR. The data protection officer can be contacted on 01227 361221 or [dataprotection@hernebayhigh.org](mailto:dataprotection@hernebayhigh.org). Notification of the use of personal data at Herne Bay High School is disclosed within the Information Commissioner's Office register entry Z923423X.

## THE LAWFUL BASIS ON WHICH WE USE THIS INFORMATION

Herne Bay High School holds the legal right to collect and use personal data relating to pupils, their families, and wider domestic network. We may also receive information from their previous school, Local Authority and/or the Department for Education. We collect and use personal data in order to meet legal requirements and legitimate interests set out in the General Data Protection Regulation (GDPR) and UK law, including those in relation to the following:

- Basis E of Article 6, and basis G of Article 9, of the GDPR
- Education Act 1996
- Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013

Whilst the majority of personal data you provide to us is mandatory, some is provided to us on a voluntary basis. Herne Bay High School will inform you whether you are required to provide certain information to us or if you have a choice in this. Where consent is required, Herne Bay High School will provide you with explicit information with regard to the reason the data is collected and how the data will be used.

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.

## THE PUPIL AND FAMILY PERSONAL INFORMATION THAT WE COLLECT, HOLD AND SHARE INCLUDE:

- Contact details (such as name, address, contact information)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Medical information (such as details of medical conditions, prescriptions, dietary requirements)
- Safeguarding Information
- Attendance information
- Assessment Information (such as the results of internal assessments, national curriculum assessment results and externally set examinations)
- Special educational needs and disability (SEND) and high needs information (such as details of any support received, including care packages, plans and support providers)
- Behavioral Information (such as exclusions, Youth Offending Team)
- Photographs
- CCTV images captured within the school grounds

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

## WHY WE COLLECT AND USE THIS INFORMATION:

- 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
- to safeguard and monitor the welfare of our pupils
- to administer admissions waiting lists

## STORING PERSONAL DATA

Personal data relating to pupils of Herne Bay High School, their families, and wider domestic network is stored in line with the schools Data Protection Policy. Herne Bay High School retains personal data in line with guidance provided to schools within the Information and Records Management Society's toolkit for schools.

## SHARING PUPIL INFORMATION

Herne Bay High School do not share information about pupils with any third party without consent unless the law and our policies allow us to do so.

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

- Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions
- The Department for Education
- The pupil's family and representatives
- Educators and examining bodies
- Our regulator (Ofsted)
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Financial organisations
- Central and local government
- Our auditors
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Professional bodies

The National Pupil Database (NPD) is managed by the DfE and contains information about pupils in schools in England. Herne Bay High School is required by law to provide information about our pupils to the DfE as part of statutory data collections, such as the school census; some of this information is then stored in the NPD.

We are required by law to pass some of your information to Kent County Council (KCC) as part of the Intended Destination, September Guarantee, Annual Activity and Appeals processes. This is to assist KCC fulfil its legal obligation under the Education and Skills Act 2008 and the Apprenticeship, Skills, Children and Learning Act 2009 to assist, encourage and enable young people aged 13-19 (and young adults with learning difficulties or disabilities up to the age of 25) to participate in education or training. KCC are then required to share this information with the Department of Education.

There are occasions when law enforcement agencies such as the Police may contact the school for personal data about an employee or student in connection with, for example, an investigation. In such cases that the data is requested for the prevention or the detection of crime or the apprehension or prosecution of offenders or the assessment of the collection of any tax or duty or of any imposition of a similar nature, the school will liaise with

the police (or the third party) accordingly, with the Principal, or another senior member of staff, establishing whether the request for information meets one of the above exemptions prior to providing this information.

## REQUESTING ACCESS TO YOUR PERSONAL DATA

Under data protection legislation, pupils and their families have the right to make a 'subject access request' to gain access to personal information that the school holds about them.

Pupils and their families have the following rights in relation to the processing of their personal data:

- Be informed how Herne Bay High School uses your personal data.
- Request access to the personal data that Herne Bay High School holds.
- Request that your personal data is amended if it is inaccurate or incomplete.
- Request that your personal data is erased where there is no compelling reason or legal basis for its continued processing.
- Request that the processing of your data is restricted.

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
- claim compensation for damages caused by a breach of the Data Protection regulations

Where the processing of your data is based on your consent, you have the right to withdraw this consent at any time.

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance.

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 15), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and if we do hold information about you or your child, we will:

- 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 or your child
- 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

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request please download the Subject Access Request template provided on the Data Protection & Privacy page of our school website <http://www.hernebayhigh.org/188/data-protection-privacy>.

Under the GDPR we will not charge a fee to provide this information, and in most cases, must supply the information electronically within 1 month.

Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/> or on 0303 123 1113, Monday-Friday 9am-5pm. Kent County Council's Management Information Team can be contacted at [management.information@kent.gov.uk](mailto:management.information@kent.gov.uk).

## 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, please contact our Data Protection Officer.

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

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