



Joseph Leckie Academy

Students & Parents/Carers Privacy Notice

Approved by JLA Trust Board: 09/2021

Last reviewed on: 10/2022

Next review due by: 10/2023

1. Introduction

1.1 One of our duties under the regulations relates to being open and transparent and as part of this our Privacy Notice is designed to inform you about the way in which we use, collect, store and or share your information.

1.2 Personal data means data which relates to a living individual who can be identified. The individual (known as the Data Subject) must be identifiable from the information, if the information is fully anonymised it is no longer classed as personal information.

1.3 Your information may be manually and/or digitally processed through our systems. We make sure our systems have appropriate security to meet the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) with regards to safe and secure storage of data. Our systems are only accessible by authorised staff and only to the extent they need in order to carry out their role.

2. Why do we collect and use personal information?

2.1 Without the information we collect and require or share, Joseph Leckie Academy would not be able to provide you with the services or support for which we have contractual and legal obligations to deliver.

2.2 In particular, we will use information about you to:

- Ensure the safety and wellbeing of those using and visiting our premises.
- Fulfill our employment obligations.
- Provide additional support where appropriate and necessary (e.g. 1-2-1 teaching).
- The prevention and/or detection of crime.
- To keep parents informed.
- To plan and develop appropriate educational activities and visits.
- Provide education – including but not limited to:
 - student enrolment;
 - educational performance/records;
 - attendance;
 - safeguarding;
 - lesson planning;
 - SEND provisions.
- Recruitment and management of employees and Trustees.

2.3 Information we collect and use:

- Name
- Contact details
- Date of birth
- Parents names
- Biometric Data
- Next of Kin/Emergency Contacts
- Other Agencies involved
- Financial information
- Education records
- Health/medical information (special category data – please see below)

- Information about special educational needs and disabilities
- Safeguarding records
- Educational needs records
- Employment / Staff Records

3. How we collect information

3.1 The ways we collect information include, but are not limited to:

- Application forms
- Email
- Telephone
- Directly from student/parent/carer etc.
- Other schools/educational establishments
- Local Authorities
- Doctors/nurses/NHS providers
- Adult/children's social services
- Educational Psychologists
- Mental health services

4. Special Category Data

4.1 Special category data is information which is deemed particularly sensitive and which unlawful processing could create risks to you. The following information is classed as special category:

- Race
- Ethnicity
- Political Opinion
- Religious or Philosophical Beliefs
- Trade Union Membership
- Genetic and Biometric Information
- Health
- Sexual Orientation.

4.2 When using your information, we must make sure that we have a lawful reason to do so. The reasons the Academy will primarily use for the processing of your special category information are:

- where it is necessary in order for us to carry out our obligations and exercising specific rights of the Academy or of the data subject in relation to employment and social security and social protection law.
- Necessary for reason of substantial public interest.

4.3 In circumstances where none of the above lawful reasons apply we will only collect and use and or share your information with an appropriate legal and justified reason or your explicit and informed consent. Please note you can withdraw your consent to this processing at any time by contacting us at our main address (detailed below)

5. Lawful basis and Purpose for processing your data

5.1 The lawful basis under which we process your information and the linked reason for processing is:

- Where processing is necessary for the performance of a contract to which you are a party, or in order to take steps before entering into a contract.
- When processing your information is necessary to cooperate with and conform to UK law or another legal obligation to which the Academy is subject.
- The purpose of processing is to carry out a task in the public interest or the exercise of official authority vested in the controller.

5.2 In law, we collect and use student information under the Data Protection Act 2018 (GDPR) including:

- Article 6 and Article 9 of the GDPR. Processing student information is necessary for the performance of a task carried out in the public interest.
- Education Act 1996.
- Regulation 5 of the Education (Information About Individual Pupils) (England) Regulations 2013.

5.3 We also process personal data about our children in care or those children to whom we provide services, and use these data to:

- Support children and monitor their progress.
- Provide appropriate support and pastoral care.
- Assess how well the Local Authority services as a whole are doing.

This information includes personal characteristics and details for the services we provide.

5.4 There may be occasions when we use and/or share your information in order to protect you or another individual and prevent serious harm.

5.5 In circumstance where none of the above lawful reasons apply we will only collect and use your information with your consent. Please note you can withdraw your consent to this processing at any time by contacting us at our main address (detailed below). The common instances when consent may be required include but are not limited to:

- Taking photos which may be published externally, for example on the Academy website or newsletter, or Academy prospectus.
- Taking part on activities such as day trips or sporting events where consent is required.
- Sharing with third party support services which are not compulsory or essential but may provide a benefit (e.g. coping with exam pressure service, youth services etc...).

6. Who we may share your information with

6.1 In order to provide students with an education we may need to share your information with the following entities:

- Adult Social Care
- SEND Services
- Care agencies
- Charities
- Children's Social Care
- City/District/Borough Councils
- Department for Work and Pensions
- Department of Education

- Education providers
- NHS Services
- Health agencies
- HMRC
- Housing Association
- Police
- Youth Services

6.2 We are required to pass on some of this information (but not the names of individual children) to the Department for Children, Schools and Families (DCSF). The DCSF uses this information to help with policy development, LA performance management and funding and to assist with the development of good practice.

6.3 There may also be occasion when we will share your information with relevant third parties when required to do so by law.

6.4 All people with access to your information will do so under strict adherence to Data Protection law, adequate safeguards and appropriate authorisation.

7. How long we will hold your information

7.1 In line with guidance provided by the Information and Records Management Society – Guidelines for Schools and/or Local Government retention schedules. Please see out Data Retention Policy for further details.

8. Where will your personal data be stored?

8.1 Your personal data may be stored in a range of different locations:

- The Academy holds information related to you and your employment in the Academy's ICT systems.
- The Academy also retains information, in some instances, in a paper based (manual) format both on and off site.

8.2 All data, information and records are managed in line with the Academy records management procedures and retention schedules.

9. How do we protect your personal data?

9.1 Joseph Leckie Academy takes the security of your personal data seriously. The Academy has Internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and are not accessed except by authorised individuals.

9.2 Some of the ways in which Joseph Leckie Academy protects your personal data include:

- Implementing appropriate technical and organisational measures to protect the confidentiality, integrity and availability of personal data and information.
- Regular review of Academy's information assurance and security policies and procedures.
- On-going training and awareness for staff on information assurance and security.
- Alignment with codes of conduct, certification schemes and government guidance, including the HMG Security Policy Framework, government baseline security standards and the National Cyber Security Centre (NCSC).

- Ensure that all suppliers and third party organisations undertaking work for or on behalf of the Academy are able to evidence full compliance with the GDPR and the Academy's data security protocols and that these considerations are made when procuring new services
- Regular review of security and cyber risks.

9.3 Where Joseph Leckie Academy engages third parties to process personal data on its behalf, they do so under contract and on the basis of written instructions.

9.4 Third parties are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data and comply with data protection legislation.

10. Your rights

10.1 You have the following rights with regard to your personal information.

10.2 **Right to be informed** – You have the right to know the following:

- what information we intend to collect.
- why we need your information.
- the lawful basis under which we can process your information.
- how we will process your information.
- whether we share your information.
- who we might share your information with.
- your rights until the law.
- how long we will retain your information and how you can contact us.

This Privacy Notice should have detailed all of the above but if for any reason you are dissatisfied with our stewardship of your information, you have the right to lodge a complaint with the Information Commissioners Office (ICO), contact details are provided below.

10.3 **Access to your information** - If you would like to know what information we hold and process about you, the category of information, who we share your information with, to ascertain the accuracy of the information and the criteria we apply in processing your information, you can make a request to us in writing.

To make a subject access request and receive a copy of your personal information, contact

Miss C Stroud (Data Protection Lead)
Joseph Leckie Academy
Walstead Road West
Walsall
WS5 4PG

email: JLAGDPR@josephleckieacademy.co.uk

Please be aware we will need you to provide appropriate identification. We should respond to your request within 28 days of receipt but if the request is complex and more time is required we will inform you in writing. If a request is received 24hrs before the Academy is due to close for school holidays, the request will not be actioned until the Academy re-opens.

10.4 Rectification of your information - If it is established that information we hold about you is incorrect; you have the right to request that we correct this information.

10.5 Erasure of your information - In cases where the information we hold about you is no longer required in relation to the purpose for which it was collected and where there are no lawful grounds for holding your information, you can request an erasure of information.

10.6 The Right to Restrict processing - You can restrict us from using your information if you believe the data is inaccurate or if there are no lawful grounds for using the information but you do not want us to delete the information. In addition, you can prevent us from deleting information we no longer use or need if you require it for a legal claim or defence.

Following investigation, if it is determined that the right to restrict processing should not apply the Academy will inform you of reasons for this before the restriction is lifted.

10.7 Right to Data Portability - if lawful basis for processing is performance of a contract or consent you have the right to request that information be transferred to another public authority or other controller. Your data portability request will have to be made in writing, we will assess your request in accordance with the provisions of the GDPR to ascertain if your request is covered under the law. Our response will contain our decision regarding the viability of your request and asking you to choose between the following:

- If you want the information handed to you.
- If you would like the information transferred directly to the public authority or other controller.

10.8 Right to Object - If you object to the Academy using your information in the ways detailed about we will cease to process your information unless we can show there are legitimate reasons which override your interests

Whether or not you have legitimate grounds to object to processing of your information, the Academy will respond to your request within 28 days stating that your request has been upheld or the reasons for not upholding your request if that is the case.

11. Questions and Complaints

11.1 Joseph Leckie Academy's Data Protection Officer (DPO) is Paul Withers. If you have any questions about your rights under the Data Protection Act 2018 and GDPR, how the Academy uses your information, or you wish to make a complaint about how we have processed or utilised your data, Paul Withers will be able to help. How to contact our DPO:

Office of the DPO

Resources & Transformation

Civic Centre 3rd Floor (HR Suite)

Walsall Council, Darwall Street, Walsall, WS1 1TP

Email Address: informationmgmt@walsall.gov.uk

Contact Telephone Number: 01922 650970

11.2 Should you be dissatisfied with the response you receive, you can contact the Information Commissioner's Office (ICO) with the details given below:

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow Cheshire, SK9 5AF

Email Address:

Use the online form via this link <https://ico.org.uk/global/contact-us/email/>

Telephone Numbers:

Calling from within the UK 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate. Calling from outside the UK +44 1625 545 745.

12. Further Information and Associated Policies

12.1 For further information about Information Governance please visit the ICO website www.ico.org.uk

12.2 This policy should be read alongside:

- Information Governance Strategy
- Information Risk and Security Policy
- CCTV Policy
- Data Protection Policy
- Confidentiality Policy
- Freedom of Information Policy
- Information Rights Policy
- Records Management Policy and Schedule
- Incident Management Policy
- Subject Access Request Policy
- Consent to Use Personal Data Guidance
- Impact Levels and Protective Marking Guidance