



# LEARNING OPPORTUNITIES

## Student Privacy Notice

*This document should be read in conjunction with our  
GDPR policy*

Date Approved	September 2022
Date of next review	September 2023
Review Period	1 Year

Learning Opportunities acknowledge that some of our students may not be considered to have the capacity to consent or understand these regulations, therefore it is important that parents and carers understand their rights and those of their child. 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.

### Privacy Notice for students

Learning Opportunities is the Data Controller for the use of personal data in this privacy notice.

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

- personal information and contacts (such as name, contact details and address, unique pupil (UPN) and unique learner (ULN) numbers)
- characteristics (such as ethnicity, language, nationality, and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs information
- medical and administration (such as doctors' information, child health, allergies, medication and dietary requirements)
- attendance information (such as sessions attended, number of absences and absence reasons and previous schools attended)

- assessment and attainment (such as exam results and post 16 learning information and enrolment courses)
- behavioural information (such as exclusions and any other relevant provision put in place)
- where applicable, episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information)
- where applicable, episodes of being looked after (such as important dates, information on placements)
- where applicable, outcomes for looked after children (such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending)
- where applicable, adoptions (such as dates of key court orders and decisions)
- where applicable, care leavers (such as their activity and what type of accommodation they have)
- Photographs where consent has been given
- School trips and activities

### **Why we collect and use student information**

We collect and use student information under the Data Protection Act 1998 (DPA) and the General Data Protection Regulation (GDPR). The personal data collected is essential for Learning Opportunities to fulfil their official functions and to meet legal requirements.

### ***We collect and use student information for the following purposes:***

- to support student learning
- to monitor and report on student attainment progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to keep students safe (food allergies, emergency contact details)
- to meet the statutory duties placed upon us by the Department for Education
- to maintain our own accounts and records
- to support student's career guidance
- to comply with the law regarding data sharing
- to assess the performance of the school
- where applicable, to evaluate and improve our policies on children's social care

### **Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing student information are:**

- for the purposes of (a), (b), (c) & (d) in accordance with the legal basis of Public task: collecting the data is necessary to perform tasks that schools are required to perform as part of their statutory function
- for the purposes of (e) in accordance with the legal basis of Vital interests: to keep children safe (food allergies, or medical conditions)
- for the purposes of (f) in accordance with the legal basis of Legal obligation: data collected for DfE census information

### ***In addition, the school may need to process special category personal data.***

Our requirement for this data and our legal basis for processing this data includes The Education (Independent School Standards) Regulations 2014, Independent School Standards (Amendment, the Education Act 1996, 2002 and 2011, The Children's Act 1989 and 2004, Education and Skills

Act 2008, Schools Standards and Framework Act 1998 and the Equalities Act 2010. These reasons may include:

- To safeguard students' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition where it is in the individual's interests to do so: for example, for medical advice, social services, insurance purposes or to organisers of school trips;
- To provide educational services in the context of any special educational needs of a student;
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

### Collecting student information

Learning Opportunities collect student information via admission forms on entry to the school, from annual updates, and where there has been a secure file transfer from a previous school or the Local Authority.

Student data is essential for the schools' operational use. Where applicable, information relating to Children in Need and Children Looked After is essential to ensure their safety and wellbeing. Whilst the majority of student information you provide to us is mandatory, some of it 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 student information to us or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

### Storing student data

Learning Opportunities hold student data securely for the set amount of time shown in our data retention schedule.

There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared, unless it is the only way we can make sure you stay safe and healthy or we are legally required to do so.

### Who we share student information with

We sometimes need to share the personal information we process with the individual themselves and also with other organisations. Where this is necessary we are required to comply with all aspects of the Data Protection Act (DPA). What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons.

### ***Where applicable, we share student information with:***

- Schools / Colleges students attend after leaving us
- Local Authorities
- The Department for Education (DfE)
- Education, training, careers and examining bodies
- School staff
- Youth support services
- NHS and healthcare professionals

- Social and welfare organisations
- Law enforcement organisation and courts
- School trips organisations

### Why we share student information

We do not share information about our students, including Children in Need or Children Looked After with anyone without consent, unless the law and our policies allow us to do so.

### Students aged 13+

Once our students reach the age of 13, we also pass information to our local authority and / or 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

The information shared is limited to the student'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 student once they reach the age 16.

### 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 students with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections.

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.

### The National Pupil Database (NPD)

We are required by law, to provide information about our students to the DfE as part of statutory data collections such as the school 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.

### Local Authorities

We may be required to share information about our students with the Local Authority to ensure that they can conduct their statutory duties.

### We share the following information about you:

- What you are intending to do after Year 11 in terms of education, training or employment (your intended Destination).
- Which post-16 provider made you an offer of a place on a course at the end of Year 11.

## **Information that may be shared with other schools and colleges**

Some of the information we collect from you during Year 10 and 11 may also be shared with FA funded post-16 providers.

To support your transition to post-16 education and to support planning for future learning. We may also need to share further information directly with post-16 providers, this may include:

- Your attendance record at school
- Whether you have been excluded from school
- If you have any special educational needs
- Whether you are looked after/or a care leaver
- Whether you are a carer
- Whether you receive free school meals, and
- Whether you are currently supervised by the Youth Offending Team.

## **Requesting access to your personal data**

Under GDPR, parents and students 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 [lesleyb@learningopps.org](mailto:lesleyb@learningopps.org)

You also have the right to:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

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/>

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

## **Withdrawal of consent and the right to lodge a complaint**

Where Learning Opportunities is processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting [lesleyb@learningopps.org](mailto:lesleyb@learningopps.org)

## **Last updated**

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated September 2022.

## Contact

If you would like to discuss anything in this privacy notice, please contact:  
[lesleyb@learningopps.org](mailto:lesleyb@learningopps.org) (Proprietor / DPO) or [simong@learningopps.org](mailto:simong@learningopps.org) (Headteacher)

## How Government uses your data

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

- 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 of Education (DfE) 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.

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>

### **How to find out what personal information DfE hold about you**

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department for Education (DfE):

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

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