

Privacy Notice for Education -

**DATE: November 2021
V3.0**



Education Data

Our core data protection obligations and commitments are set out in the council's **primary** privacy notice at www.bolton.gov.uk

This notice provides additional privacy information for:

- Education data we hold and collect
- Partners working with Bolton Council relating to Education data

It describes how we collect, use and share personal information about you

- In relation to Education Data
- the types of personal information we need to process, including information the law describes as 'special' because of its sensitivity

It is important that you read this notice, together with any other privacy information we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

The information collected and held will vary dependent on the service used.

Purposes

We collect your personal information for the following purposes:

- To help us carry out specific or statutory functions for which we are responsible, such as (but not limited to):
 - assessment of special educational needs and disabilities
 - provision of specialist education support and outreach services.
 - school admissions
 - managing and monitoring school attendance
 - to commission educational provision e.g. home to school transport.
 - access to education for excluded pupils and others unable to access education
 - monitoring safeguarding and school performance
 - participation of young people in education, employment or training including Post 16 education and training programmes
 - to manage and monitor regulatory, licensing and enforcement functions.
- Bolton Council brings together basic information from services that children and young people access. The information is used by trained and authorised professionals to identify what services a child or young

person is receiving and who is working with them. This is to ensure that we always have accurate information and improve communication between families and professionals.

- To comply with anything, we are required to do by an outside body, in particular the Department of Education or Ofsted (our regulatory body). For example, this may include allowing an Ofsted inspector to visit our offices and review our records as part of an Ofsted inspection.
- To log and respond to any complaints you make about our services.
- Research and analysis which is then used to plan new services, assess our performance, commission new services, market shaping and development. The statistics are anonymised, so that individual children and young people cannot be identified from them. Aggregated data derived from individual pupil records is also used to respond to Freedom of Information requests but, again, no individual pupils can be identified from any information provided
- To monitor our services and their impact - this may include receiving feedback.
- Provide information and details of events delivered, sponsored or commissioned by the Council.
- Completion of statutory government returns around Education.
- To comply with our responsibilities for the prevention and detection of crime.

Categories of personal data

In order to carry out these purposes we may collect and obtain:

- Basic details about you such as name, address, telephone number, email address, date of birth, UPN, ULN.
- Employment and education details such as education/employment history, attendance data, exclusions, free school meals, home language, attainment data etc.
- Physical or mental health
- Religious beliefs

- Race or ethnic origin

Legal basis for processing

We collect and use pupil information under a number of pieces of legislation. Often the data required by legislation is collected from the school and then passed on to the LA to be used to perform our statutory duties.

Legal obligation or public task under various UK laws including but not limited to:

- The Education Act 1944, 1996, 2002
- The Education & Adoption Act 2016
- The Education (Information About Individual Pupils) (England) Regulations 2013
- The Education and Skills Act 2008
- The Education (Pupil Registration) (England) Regulations 2006
- Education (Pupil Registration) (Amendment) (England) Regulations 2016
- Statutory Guidance for Local Authorities in England to Identify Children Not Receiving Education – February 2007)
- The Education and Inspections Act 2006
- (Regulation 9A of the School Information (England) (Amendment) Regulations 2017)
- SEND Regulations 2014
- SEND (Personal Budgets) Regulations 2014
- DfE Admissions Code
- Statutory Guidance for Local Authorities “Participation of young people in education, employment or training” September 2016
- The Children Act 1989, 2004
- The Childcare Act 2006
- The Children & Families Act 2014
- Local Safeguarding Children Boards Regulations 2006 (SI 2006/90)
- The Localism Act 2011
- The Equality Act 2010
- Contract (traded services)

The UK General Data Protection Regulation also stipulates that we are able to process “Special” categories of data where it is substantially in the public interest.

If you fail to provide certain information when requested, we may not be able to perform our services or we may be prevented from complying with our legal obligations.

Information sharing/recipients

We may share (and receive) personal information about you with the following types of organisations:

- Teams within Bolton Council in order to provide services to you (for example children social care, revenues and benefits for free school meals, transport teams etc).
- The DFE for statistical analysis in line with regulations.
- Health partners to deliver or improve public health services in line with our statutory obligations.
- Police.
- Schools or education providers.
- To share admissions applications and or offers with those schools/academy chains where a young person has applied to or been offered a place.
- Shared with specific contractors where a referral to work with young people and families around Participation in Learning and Troubled Families.
- Other Local Authorities
- Post 16 providers.

Bolton Council will share information on a case-by-case basis with other professionals working with a child where they consider it will promote their best interests. We do not share information about our pupils with anyone without consent (of the child/young person or their parent depending on their age) unless the law and our policies allow us to do so. Where there are circumstances where the child or another person may be at risk from harm, then professionals are required to share information without consent.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

Automated Decisions

For this service:

- All the decisions we make about you involve human intervention

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.

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 NPD, go to

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department 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 Department 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 department'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 department 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>

Data retention/criteria

We will only keep your personal information for as long as the law specifies or where the law does not specify this, for the length of time determined by our business requirements.

Rights of individuals

You have certain rights in relation to the council's use of your personal information.

To find out more about how these rights apply in particular circumstances, please refer to our [Guide to exercising your rights](#) or alternatively visit the Information Commissioner's web site at www.ico.org.uk

If you wish to exercise your rights or to raise a concern about the handling of your personal information by the council, please contact our Information Governance Team at information.security@bolton.gov.uk.

If you are still unsatisfied you should contact **The Information Commissioner's Office** by post at the ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or by telephone: 0303 123 1113

Updates to Privacy Notice

We may update or revise this Privacy Notice at any time so please refer to the version published on our website for the most up to date details