

Privacy Notice (How we use children and young person's information)

This document provides insight into how information about children and young people is used by Wokingham Local Authority. This Privacy Notice covers many of the core functions of Children's Services, but there are also separate Notices relating to specific areas.

The categories of child and young person's information that we process include:

- Personal information (such as name, unique pupil number and address including parent/carer details where necessary)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Safeguarding information (such as court orders and professional involvement)
- Admissions and attendance information
- National Curriculum assessment and external examination results
- Special Educational Needs information
- Relevant medical information
- Behavioural information (such as exclusions and any relevant alternative provision placements put in place)
- Post 16 learning information
- Information relevant to individual education planning processes, attendance matters and Children Missing in Education

Why we collect and use child and young person's information

We use children and young person's data to:

- enable us to carry out specific functions and duties for which we are responsible
- derive statistics which inform decisions such as the funding of schools
- assess performance and set targets for schools
- help schools and settings to meet the needs of children and young people
- deliver traded services that schools have purchased
- update and advise school/setting staff, parents/carers and young people

The lawful basis on which we use this information

We collect and use this information under the following articles:

- 6(1)(c) – processing is necessary for compliance with a **legal obligation** to which the controller is subject
- 6(1)(a) – the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes;
- 6(1)(e) – processing 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;

These are all intended to ensure that children are safe and are receiving a suitable education and to ensure that the Council is able to fulfil its statutory duties. The applicable legislation and associated guidance includes:

- Education Acts 1996, 2002
- Department for Education (2016) School Attendance: Guidance for Maintained Schools, Academies, Independent Schools and Local Authorities

- Department for Education (2017) Exclusion from Maintained Schools, Academies and Pupil Referral Units in England: Statutory Guidance for those with Legal Responsibilities in Relation to Exclusion
- Department for Education (2016) Children Missing Education: Statutory Guidance for Local Authorities
- Education (Pupil Registration) (England) Regulations 2006 and amendments 2010, 2011, 2013, 2016
- Education and Inspections Act 2006 (section 4 and 38)
- Education (Penalty Notices) (England) Regulations 2007 and amendments 2012, 2013
- Employment Law Act 2018
- Children and Young Persons Acts 1933, 1963
- Children Act 2004
- Care Planning, Placement and Case Review (England) Regulations 2010
- Statutory Guidance on Adoption 2013
- Adoption and Care planning (Miscellaneous Amendments) Regulations 2014
- Children Act 1989 guidance and regulations 2015
- Promoting the education of looked after children - Statutory guidance for Local Authorities 2018
- Children and Families Act 2014 and SEND Code of Practice: 0 to 25 years.
- Equality Act 2010
- Childcare Act 2006
- Education (Information About Individual Pupils) (England) Regulations 2013.

Collecting child and young person's information

We collect personal information via various secure methods including secure file transfer from schools and Common Transfer File. Children and young person's data is essential for the Local Authority'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 the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain personal information to us or if you have a choice.

Storing child and young person's data

We hold children and young person's data in line with the Wokingham Borough Council retention schedule, after which it is securely destroyed. There are strict controls on who can see the data.

Who we share this information with and why

We share children and young person's information as appropriate with:

- The Department for Education (DfE)
- Youth support services
- Internal departments for the safeguarding, support and benefit of the individual (such as Schools Admissions, Children's Social Care, and The Early Intervention Team).
- Services that support teaching, learning and assessment
- Health services
- External agencies/public authorities for the safeguarding, support and benefit of the individual
- Academy trusts and federations
- Settings to which children and young people transfer

We do not share information about children and young people without consent unless the law and our policies allow us to do so.

Education and training

We hold information about young people living in our area, including about their education and training history. This is to support the provision of their education up to the age of 20 (and beyond this age for those with a special educational need or disability). Under parts 1 and 2 of the Education and Skills Act 2008, education institutions and other public bodies (including the DfE, police, probation and health services) may pass information to us to help us to support these provisions.

Youth support services

Once pupils reach the age of 13, we also pass pupil information to the 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 youth support services, careers advisers and post-16 education and training providers.

The information shared is limited to the child'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 child / pupil once he/she reaches the age 16. Data is securely transferred to the youth support service and is held in line with the retention schedule, after which it is securely destroyed.

Department for Education

The DfE collects personal data from educational settings and Local Authorities via various statutory data collections. We are required to share information about our children and young people with DfE for the purpose of those data collections, under the legislation as noted earlier in this document. 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 pupil data that we lawfully share with the DfE through data collections:

- underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- 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)

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 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 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>

The law allows the Department 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 and 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: <https://www.gov.uk/government/publications/dfe-external-data-shares>

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

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, please contact us using the details at the end of this document. 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 the Data Protection regulations

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. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Further information

If you would like further information about this privacy notice, please contact:
Data Protection Officer, Wokingham Borough Council, Shute End, Wokingham RG40 1WH.
More information and an online form are available via this link:
<http://www.wokingham.gov.uk/council-and-meetings/information-and-data-protection/>