



# Privacy and GDPR Policy

Approval Body:	MST Finance Committee
Approval Date:	November 2023
Implementation Date:	November 2023
Review Date:	Annually in autumn term
Policy Version:	6

<b>Version</b>	<b>Reviewed</b>	<b>Changes since last version</b>
1	August 2018	<ul style="list-style-type: none"> <li>• Existing policy</li> </ul>
2	November 2018	<ul style="list-style-type: none"> <li>• No changes – part of the annual year review</li> </ul>
3	November 2019	<ul style="list-style-type: none"> <li>• No changes – part of the annual year review</li> </ul>
4	November 2020	<ul style="list-style-type: none"> <li>• Minor changes eg names. Also, new Addendum - Privacy Notice for Coronavirus</li> </ul>
5	March 2022	<ul style="list-style-type: none"> <li>• Name of the policy changed to Privacy and GDPR Policy</li> <li>• Removal of Addendum – Privacy Notice for Coronavirus</li> <li>• Changes in accordance to advice from our Data Protection Officer on GDPR on the following sections:               <ul style="list-style-type: none"> <li>- Contact details of the Data Protection Officer</li> <li>- Subject Access request</li> <li>- Complaints</li> <li>- Summary of Retention guidelines</li> <li>- Checking your identity and responsible persons</li> </ul> </li> </ul>
6	November 2023	<ul style="list-style-type: none"> <li>• No changes – part of annual cycle of renewal</li> </ul>

This policy has been adopted by the Mulberry Schools Trust and will be applied to all schools which belong to the Mulberry Schools Trust.

The Data Protection Act 2018 provides individuals with a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing this 'privacy notice'. It explains how we collect, store and use personal data about pupils.

We, Mulberry Schools Trust are the 'data controller' for the purposes of data protection law.

Our Data Protection Officer is Satswana Ltd, email at [info@satswana.com](mailto:info@satswana.com); telephone number 01252 516898, office address: Pembroke House, St Christopher's Place, Farnborough, Hampshire, GU14 0NH.

### **Privacy Notice (How we use pupil information)**

1. The categories of pupil information that we collect, hold and share include:
  - Personal information (such as name, unique pupil number, address and relationship to other pupils at the school)
  - Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
  - Attendance information (such as sessions attended, number of absences and absence reasons)
  - Behavioural information (such as positive or negative behaviour, exclusions, detentions)
  - Relevant medical information
  - Assessment information
  - Post-16 learning information
  - Special educational needs information
  - Biometric Data (we use an automated biometric fingerprint recognition system which is used to purchase items from the school canteen and in our library to loan books. The system takes measurements of the fingerprint; it does not capture a complete image so the original fingerprint cannot be recreated from the data)

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

2. We use the pupil data:
  - 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

### **The lawful basis on which we use this information**

3. The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR).. The condition for processing under the GDPR are:

#### Article 6

1. Processing shall be lawful only if and to the extent that at least one of the

following applies:

- (c) Processing is necessary for compliance with a legal obligation to which the controller is subject;

**Article 9**

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely

identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

2. Paragraph 1 shall not apply if one of the following applies:

- (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

4. The Education Act 1996 - Section 537A – states that we provide individual pupil information as the relevant body such as the Department for Education.
5. Children's Act 1989 – Section 83 – places a duty on the Secretary of State or others to conduct research.

**Collecting pupil information**

6. Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

**Storing pupil data**

7. We hold pupil data for as long as we need to in order to educate and look after you. We will keep some information after you have left the School, for example, so that we can find out what happened if you make a complaint.
8. In exceptional circumstances we may keep your information for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under the law.
9. We can keep information about you for a very long time or even indefinitely if we need this for historical, research or statistical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the School. Please see our Information and Records Retention Policy for more detailed information.

**Who we share pupil information with**

10. We routinely share pupil information with:

- schools that pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)
- Careers advisors
- Medical practitioners and NHS staff
- Agencies involved in caring for and supporting pupils

- Parents and carers
- Exam boards
- Our catering companies
  
- External suppliers (e.g. travel companies or those providing off-site activities)
- Curriculum support providers (e.g. SAM Learning and My Maths)

### **Why we share pupil information**

11. We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.
12. 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.
13. We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

### **Data collection requirements:**

14. 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>.

### **Youth support services**

15. Once our pupils reach the age of 13, we also pass pupil 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.
16. This enables them to provide services as follows:
  - youth support services
  - careers advisers
17. A parent or guardian can request that only their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once he/she reaches the age 16.
18. We will also share certain information about pupils aged 16+ with 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.
19. This enables them to provide services as follows:
  - post-16 education and training providers
  - youth support services
  - careers advisers
20. For more information about services for young people, please visit our local authority website.

### **The National Pupil Database (NPD)**

21. 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.

22. 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.
23. To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.
24. 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
25. 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
26. 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.
27. 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>
28. 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>
29. To contact DfE: <https://www.gov.uk/contact-dfe>

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

30. 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, or be given access to your child's educational record, please contact your child's school.
31. 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

32. Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. Parents/carers can make a request with respect to their child's data where the child is under the age of 13, 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.

33. 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/>

### **Complaints**

34. 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 the school in the first instance. To make a complaint, please contact Dr Stuart Mundy, Director of Performance and Operations for the Mulberry Schools Trust.

### **Review**

35. Standard DfE Privacy Notice text adopted May 2018 with appropriate alterations made to reflect Mulberry Schools Trust practice. The Director of Performance and Operations will review this document every 12 months.

### **Website - Privacy and Retention**

## **OUR PRIVACY AND COOKIES**

### **POLICY PRIVACY**

Mulberry Schools Trust is committed to respecting your privacy and the privacy of every visitor to our web site. The information we collect about you will be used to fulfil the services you might request and enable us to improve how, as a company, we deal with you.

Should you have a question about the data we store, our contact details:

Dr Stuart Mundy  
Director of Performance and Operations  
Mulberry Schools Trust  
Richard Street  
Commercial Road  
London  
E1 2JP  
[smundy@mulberryschoolstrust.org](mailto:smundy@mulberryschoolstrust.org)  
Tel: 020 7790 6327

The information that we collect about you will only be used lawfully (in accordance with the Data Protection Act 2018 and the General Data Protection Regulation). All data is retained exclusively within the United Kingdom unless specific information is taken abroad in certain circumstances, for example on a school trip.



This information will not be disclosed to anyone outside Mulberry Schools Trust or its associated companies, partners, and other companies with which Mulberry Schools Trust has arranged services for your benefit.

We expect the information we hold to be accurate and up to date. You have the right to find out what information we hold about you and make changes, if necessary. You also have the right to ask us to stop using the information. To have your information removed, please contact us.

The type of information that we will collect on you, and you voluntarily provide to us on this website includes:

- \* Your name
- \* Address
- \* Telephone number(s)
- \* Email address
- \* Survey responses
- \* IP address

We may, in further dealings with you, extend this information to include your address, purchases, services used, and subscriptions, records of conversations and agreements and payment transactions.

You are under no statutory or contractual requirement or obligation to provide us with your personal information; however, we require at least the information above in order for us to deal with you as a prospect or customer in an efficient and effective manner.

The legal basis for processing your data is based on your specific consent that we will have requested at the point the information was initially provided, therefore we will not store, process or transfer your data outside the parties detailed above unless you have given your consent for us to do so. You can remove this consent at any time via the unsubscribe link included on all emails we send, or by contacting us and requesting that your details be deleted.

Unless otherwise required by law, your data will be stored for a period of 2 years after our last contact with you, at which point it will be deleted.

#### PROTECTION OF PERSONAL INFORMATION

Mulberry Schools Trust takes precautions, including administrative, technical, and physical measures, to safeguard your Data against loss, theft, and misuse, as well as against unauthorized access, disclosure, alteration, and destruction.

Mulberry Schools Trust uses industry-standard efforts to safeguard the confidentiality of Data, including encryption, firewalls and SSL (Secure Sockets Layer). We have implemented reasonable administrative, technical, and physical security controls to protect against the loss, misuse, or alteration of your Data.



## COOKIES

This site uses cookies – these are small text files that are placed on your device to help this website to provide a better user experience. In general, cookies are used to retain user preferences, store information for things like shopping carts, and provide anonymised tracking data to third party applications like Google Analytics. As a rule, cookies will make your browsing experience better. However, you may prefer to disable cookies on this site and on others. The most effective way to do this is to disable cookies in your browser. We suggest consulting the Help section of your browser or taking a look at the About Cookies website which offers guidance for all modern browsers.

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## Retention Policy

It is the policy of Mulberry Schools Trust that personal data should not be retained longer than necessary, in relation to the purpose for which such data is processed.

Mulberry Schools Trust will provide individuals with access to information regarding their personal data that we hold on request.

## Summary of Retention Guidelines

- Governance Records, six years after the conclusion of the event, but governance instruments would be kept for life of the school
- School Management, generally current year plus six years, with exceptions.
- Pupil Records (Primary) are passed onto the next school and then deleted. (Secondary) files are normally passed onto the next stage of education, or retained until the pupil date of birth plus 25 years. Certain SEN data may be retained until plus 31 years.
- Government and Local Authority returns are retained as required by Statute.

All schools in the Trust have a copy of the recommended schedule of retention periods.

The Executive of Mulberry Schools Trust has responsibility for the management of personal data.

Mulberry Schools Trust complies with all compliance requirements of GDPR including the right to erasure of personal data if the data subject withdraws consent.

In the latter event, data may be anonymised by one of the following methods

- erasure of the unique identifiers which allow the allocation of a data set to a

unique person;

- erasure of single pieces of information that identify the data subject (whether alone or in combination with other pieces of information);
- separation of personal data from non-identifying or
- aggregation of personal data in a way that no allocation to any individual is possible.

### **Checking your identity and responsible persons**

To protect the confidentiality of your information, we will ask you to verify your identity before proceeding with any request you make under this Privacy Notice. If you have authorized a third party to submit a request on your behalf, we will ask them to prove they have your permission to act.

The Trust recognizes persons as having parental responsibility as defined by Section 576 of the Education Act 1996 and only qualifying applicants have a right to make an access request. We will only withdraw that right from any party on the basis of a court order and then we would require confirmation that the disqualified party has been advised, together with the provisions of Section 170 of the Data Protection Act 2018.

Please note that Section 170 of the Data Protection Act criminalizes knowingly or recklessly obtaining, disclosing or procuring personal data without the consent of the Data Controller. Any request for any information on any party must be in writing addressed to the Data Protection Officer and will only be provided if appropriate consent is held. Any party seeking information in any other manner will be pursued under Section 170, whether they are successful or not.