

## Privacy notice for parents, carers and pupils – how we use your personal data

Under data protection law, individuals have a right to be informed about how the organisation uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice describes how we collect and use personal information about pupils, in accordance with the UK General Data Protection Regulation (UK GDPR), section 537A of the Education Act 1996 and section 83 of the Children Act 1989.

Following Brexit, Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relate to general personal data processing, powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

This notice applies to all pupils, parents and carers.

We, Remarkable Autism Ltd, are the 'data controller' for the purposes of data protection law. Our Data Protection Officer is judicium (see 'Contact us' below).

### Data Protection Principles

We will comply with the data protection principles when gathering and using personal information, as set out in our data protection policy.

### The personal data we hold

We may collect, store and use the following categories of personal information about you:

- Personal information such as name, pupil number, date of birth, gender and contact information;
- Emergency contact and family lifestyle information such as names, relationship, phone numbers and email addresses;
- Characteristics (such as language, and free school meal eligibility);
- Attendance details (such as sessions attended, number of absences and reasons for absence);
- Performance and assessment information;

- Behavioural information (including exclusions);
- Images of pupils engaging in school or college activities, and images captured by the organisation's CCTV system;
- Information about the use of our IT, communications and other systems, and other monitoring information;
- Financial details;
- Post 16 learning information;

Recordings of pupils and/or parents from the school's video conferencing platform;

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Characteristics, such as ethnicity, languages spoken and eligibility for certain benefits
- Family circumstances
- Physical and mental health, including medical conditions and sickness records
- Special educational needs information
- Support received, including care packages, plans and support providers
- Biometric data

We may also hold data about you that we have received from other organisations, including other schools, colleges and social services.

### **Why we use this data**

We use this data to:

- Report to you on your child's attainment and progress
- Keep you informed about the running of the school and college (such as emergency closures) and events
- Process payments for school or college services and clubs
- Provide appropriate pastoral care
- Protect pupil welfare
- Administer admissions
- Assess the quality of our services
- Comply with our legal and statutory obligations

### **Use of your personal data for marketing purposes**

Where you have given us consent to do so, Remarkable Autism Ltd may send you marketing information by email or text promoting school and college events, campaigns, charitable causes or services that may be of interest to you. You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting our Data Protection Officer.

### **Our legal basis for using this data**

We will only use your information when the law allows us to. Most commonly, we will use your information in the following circumstances:

- Consent: the individual has given clear consent to process their personal data for a specific purpose;
- Contract: the processing is necessary for a contract with the individual;
- Legal obligation: the processing is necessary to comply with the law (not including contractual obligations);
- Vital interests: the processing is necessary to protect someone's life.
- Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law; and
- The Education Act 1996: for Departmental Censuses 3 times a year. More information can be found at: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

We need all the categories of information in the list above primarily to allow us to comply with legal obligations. Please note that we may process information without knowledge or consent, where this is required or permitted by law.

### **Collecting this information**

While the majority of information we collect about you is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

### **How we store this data**

We keep personal information about you while your child is attending our school or college. We may also keep it beyond their attendance at our school and college if this is necessary in order to comply with our legal obligations. Our Data Protection Policy sets out how long we keep information about parents and carers.

Our Data Protection Policy is available via our website via the following link: [Data Protection Policy](#).

If you would prefer to be sent either an electronic or paper copy of the policy, please contact our Data Protection Officer.

### **How we use particularly sensitive personal information**

Special categories of particularly sensitive personal information, such as information about your health, racial or ethnic origin, sexual orientation, or

biometrics require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations in line with our data protection policy.
- Where it is needed in the public interest, such as for equal opportunities monitoring.
- Where it is necessary to protect you or another person from harm.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

### **Data sharing**

We do not share information about you with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law), we may share personal information about you with:

- Our local authority
- The Department for Education (DfE) – on a statutory basis under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013
- Other Schools or colleges that pupils have attended/will attend
- NHS
- Our regulators (e.g. Ofsted, CQC)
- Our auditors
- Health authorities
- Health and social welfare organisations (such as social services)
- Professional advisors such as lawyers and consultants
- Support services (including insurance, IT support, information security)
- Providers of learning software such as Solar, Accelerated Reader etc.
- Charities and voluntary organisations
- Police forces, courts, tribunals
- Youth support services – under section 507B of the Education Act 1996, to enable them to provide information regarding training and careers as part of the education or training of 13-19 year olds.

### **Transferring data internationally**

Where we transfer personal data to a country or territory outside the UK or the European Economic Area, we will do so in accordance with data protection law.

### **Biometric Data**

At Remarkable Autism we would like to use your information as part of an automated (i.e. electronically operated) recognition system. This is for the purposes of accessing the organisation's IT network. The information that we wish to use is referred to as 'biometric information'. This data will only be processed once we have obtained appropriate consent. For further information in relation to this, please see the appropriate Student Admissions Book.

### **Automated Decision Making**

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision making in limited circumstances. Pupils will not be subject to automated decision-making, unless we have a lawful basis for doing so and we have notified you.

### **Security**

We have put in place measures to protect the security of your information (i.e. against it being accidentally lost, used, or accessed in an unauthorised way).

### **Retention Periods**

Except as otherwise permitted or required by applicable law or regulation, the school only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

Information about how we retain information can be found in our Data Retention policy. This document can be found [here](#).

### **Youth Support Services**

#### **Pupils aged 13+**

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.

We must provide the pupils name, the parents name(s) and any further information relevant to the support services role.

This enables them to provide services as follows:

- youth support services
- careers advisers

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.

### **Pupils aged 16+**

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.

This enables them to provide services as follows:

- post-16 education and training providers
- youth support services
- careers advisers

For more information about services for young people, please visit our local authority website.

### **The National Pupil Database**

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, colleges, 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>

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 education record), contact our Data Protection Lead.

## Your rights

### How to access personal information that we hold about you

Individuals have a right to make a 'subject access request' to gain access to personal information that the organisation holds about them.

If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact our Data Protection Officer.

### **Your other rights regarding your data**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if it would cause, or is causing, damage or distress
- Prevent your data being used to send direct marketing
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations.

### **Right to Withdraw Consent**

In circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact our Data Protection Lead ( email: [dataprotectionlead@remarkable-autism.org](mailto:dataprotectionlead@remarkable-autism.org)). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

To exercise any of these rights, please contact our Data Protection Officer.

### **Complaints**

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 us in the first instance by emailing [dataprotectionlead@remarkable-autism.org](mailto:dataprotectionlead@remarkable-autism.org).

To make a complaint, please contact our Data Protection Officer.

Alternatively, you can make a complaint to the Information Commissioner's Office. Report a concern online at <https://ico.org.uk/concerns/>, call 0303 123 1113 or write to:



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

### Contact us

If you would like to discuss anything within this privacy notice or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with our Data Protection Lead in the first instance. (Email: [dataprotectionlead@remarkable-autism.org](mailto:dataprotectionlead@remarkable-autism.org)).

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by our Data Protection Lead, then you can contact the DPO on the details below:

**Data Protection Officer:** Judicium Consulting Limited  
**Address:** 72 Cannon Street, London, EC4N 6AE  
**Email:** [dataservices@judicium.com](mailto:dataservices@judicium.com)  
**Web:** [www.judiciumeducation.co.uk](http://www.judiciumeducation.co.uk)  
**Lead Contact:** Craig Stilwell

### Changes to this Privacy Notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.