



## PRIVACY NOTICE FOR STUDENTS & PARENTS/GUARDIANS<sup>1</sup>

We ask that you read this Privacy Notice carefully as it contains important information on who we are, how and why we collect, store, use and share ("process") personal information, your rights in relation to your personal information and on how to contact us and supervisory authorities in the event you have a complaint.

### 1 What is personal information?

Personal information is information that identifies you as an individual and relates to you. This can include your contact details, next of kin and health information. We may also hold information such as your religion or ethnic group. Photos and CCTV are also examples of personal information.

### 2 Who we are

The Sheiling Special Education Trust (sometimes referred to as "SSET") is an independent special school, college and registered children's home, company number 08116370, registered office: Horton Road, Ringwood, Hampshire, BH24 2EB.

### 3 Responsibility for data protection at SSET

- 3.1 The Sheiling Special Education Trust collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the [General Data Protection Regulation](#) which applies across the European Union (including in the United Kingdom) and we are responsible as 'controller' of that personal information for the purposes of those laws.

## The personal information we collect and use

### 4 Information collected by us

- 4.1 In the course of running SSET and delivering educational and care services we may collect the following personal information about you and your child when you provide it to us:
- 4.1.1 names, addresses, telephone numbers, e-mail addresses and other contact details for Parents and next of kin;
  - 4.1.2 information about members of your family, your family relationships and family circumstances (including eligibility for bursary funds and pupil premium). We may also need information about any court orders or criminal petitions which relate to you so that we can comply with our

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<sup>1</sup> Including prospective Students & Parents/Guardians

- safeguarding obligations to protect the welfare and well-being of your child and other students;
- 4.1.3 name, home address and date of birth of student;
  - 4.1.4 National Insurance Number (for students over the age of 19);
  - 4.1.5 NHS number for student;
  - 4.1.6 unique pupil number (UPN) or unique learner number (ULN) of student;
  - 4.1.7 ethnicity and religion of student;
  - 4.1.8 references given or received by SSET about students and information provided by other educational establishments and/ or other professionals or organisations working with students;
  - 4.1.9 information about health and medical requirements, including personal care information;
  - 4.1.10 dietary requirements and allergies
  - 4.1.11 copies of Education, Health and Care Plans (EHCPs) and Statement of Special Educational Needs (including information about learning difficulties or disabilities);
  - 4.1.12 education, care and therapy reports from previous education providers;
  - 4.1.13 Individual Learning Plans;
  - 4.1.14 meeting minutes (regarding education, care and therapy, progress and behaviour);
  - 4.1.15 case notes and clinical notes (regarding medical, care, behaviour and therapy);
  - 4.1.16 annual review documentation;
  - 4.1.17 social worker details and safeguarding information;
  - 4.1.18 bank details and other financial information (where required);
  - 4.1.19 attendance and behaviour records
  - 4.1.20 assessment and attainment information including student work and marks;
  - 4.1.21 we may take pictures of students for the purpose of admission and/or reports to support their education and development;

- 4.1.22 we may take pictures of you and/or your child at SSET events to use in marketing material. This is usually to show prospective parents and students what we do and to keep our current parents informed of events;
  - 4.1.23 we use CCTV at SSET to ensure the school site is safe;
  - 4.1.24 Trips and activities information;
  - 4.1.25 progress data in terms of establishments attended after leaving SSET such as educational institution or supported living services attended
- 4.2 We process this information in order to enable registration of a Student at SSET, provide education services, care and therapy services and for the purpose of management planning and forecasting. Data is also used to comply with relevant statutory requirements – for example funding data required by the Education and Skills Funding Agency (ESFA), for college students.
- 4.3 This Privacy Notice applies alongside any other information SSET may provide about a particular use of personal data, for example when collecting student data via an online or paper form.
- 4.4 This Privacy Notice also applies in addition to SSET's other relevant policies/guidance, including:
- 4.4.1 the SSET Data Protection Policy;
  - 4.4.2 the SSET CCTV Policy;
  - 4.4.3 the SSET Safeguarding Policy, including the reporting and recording of concerns and incidents;
  - 4.4.4 the SSET IT policies, including Acceptable Use of IT and E- Safety
- 5 Information collected from other sources**
- 5.1 We collect and hold personal information relating to our students, much of which is collected via our application form process, but may also receive information about them from other sources, including:
- 5.1.1 Parents/Guardians
  - 5.1.2 Your child's previous school/college
  - 5.1.3 Local Authority
  - 5.1.4 Department for Education (DfE)



5.1.5 Health professionals

## **6 Who we share your personal information with**

### **Routine data sharing**

6.1 SSET routinely shares personal information with:

6.1.1 Department for Education (DfE) including Education and Skills Funding Agency (ESFA) – the ESFA is an executive agency of the DfE;

6.1.2 Ofsted and CQC as required;

6.1.3 Past and future educational establishments – usually on request from other schools;

6.1.4 Others with Parental Responsibility for your child;

6.1.5 Local Authority (eg. SEN Team, Adult Social Care Team, Health Team);

6.1.6 Examination Awarding Bodies

### **Department for Education (DfE) – School Students**

6.2 We are required, by law, to pass some information about our students to the Department for Education (DfE). This information will, in turn, then be made available for use by the Local Authority.

6.3 To find out more about the information collection requirements placed on us by the Department for Education including the information that we share with them, go to: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

6.4 DfE may also share student level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so.

6.5 Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are 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 level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data. For more information on how this sharing process works, please visit: <https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

6.6 For information on which third party organisations (and for which project) pupil level data has been provided to, please visit:



<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

- 6.7 If you need more information about how the DfE collect and use your information, please visit the DfE website at:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

### **Education & Skills Funding Agency (ESFA) and Department for Education (DfE) – College Students**

- 6.8 Student personal data is used by the DfE and ESFA to exercise its functions and to meet its statutory responsibilities including creation of a unique learner number and a personal learning record (PLR).
- 6.9 The DfE and ESFA share student personal data with third parties for education, training, employment and well-being related purposes, including for research where legislation allows them to do so and the sharing is in compliance with data protection legislation.
- 6.10 For further information about the DfE's and ESFA's use of and access to student personal data along with details of organisations they regularly share data with please visit:

[\*\*https://www.gov.uk/government/publications/esfa-privacy-notice\*\*](https://www.gov.uk/government/publications/esfa-privacy-notice)

### **Third party suppliers**

- 6.11 In accordance with the relevant data protection legislation, some of SSET's processing activity is carried out on its behalf by third parties, such as IT systems, web developers and cloud storage providers.
- 6.12 There may also be occasions where data is shared with other contractors and suppliers, such as education software providers, document destruction services, consultants and other experts such as educational psychologists or therapists.
- 6.13 This type of data sharing is always subject to contractual assurances that personal data will be kept securely and only in accordance with SSET's specific directions.



- 6.14 SSET will need to share personal information relating to its community with third parties, such as professional advisors or relevant authorities, such as the Local Authority, DfE or ESFA.

### **Other data sharing**

- 6.15 We will share personal information with law enforcement or other authorities if required by applicable law.
- 6.16 SSET may also be required to share information with:
- 6.16.1 The Police, for example where we have safeguarding concerns of a serious nature;
  - 6.16.2 With other emergency services if there is an emergency on site;
  - 6.16.3 Consultants, experts and other professional advisors to assist SSET in properly running the school/college;
  - 6.16.4 Our insurance company, for example if there is an incident on one of the SSET sites;
  - 6.16.5 Charities that SSET may work with to support vulnerable members of our school/college community. For example some charities may offer support regarding trips we organise or provide professional support in helping organise work experience activities; and
  - 6.16.6 Health professionals in order to effectively meet the health care needs of the student.
- 6.17 We will not share your personal information with any other third party.

## **7 Whether information has to be provided by you, and if so why**

- 7.1 We will ask for information from you that we need to deliver our services to you, comply with our legal duties, improve our services and monitor equality of opportunity.
- 7.2 The consequences of our use of your personal information includes delivery of educational services to registered students and communication with their parents or guardians.
- 7.3 We will inform you at the point of collecting information from you, whether you are required to provide the information to us.

## **8 How long your personal information will be kept**

- 8.1 SSET will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. In the first instance, we will keep your information for as long as we need to in order to educate and look after your child. We will then keep some information after your child has left the school.
- 8.2 We will hold personal data in line with SSET's retention guidance. If you have any specific queries about how this is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact our Data Protection Lead (see 'How to contact us' below).

## **9 Reasons we can collect and use your personal information**

- 9.1 In order to carry out its ordinary duties, SSET may process a wide range of personal data about individuals, including past, current and prospective students or parents as part of its daily operation.
- 9.2 Some of this activity will need to be carried out in order to fulfil legal rights, duties and obligations. Other uses may be in accordance with SSET's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special category data.

### **Legal grounds for using your information**

- 9.3 **Legitimate interests:** means that the processing is necessary for legitimate interests except where the processing is unfair to you.
- 9.4 SSET relies on legitimate interests as a lawful basis for processing in relation to most of the ways in which we use your information. Our legitimate interests are to:
- 9.4.1 Administer student admission and registration;
  - 9.4.2 Provide education and care (including residential and health/medical care) to students,
  - 9.4.3 Monitor students' progress and educational records;
  - 9.4.4 Support our students' learning, monitor and report on their progress;
  - 9.4.5 Maintain relationships with parents and the Sheiling community (including newsletters and details of fundraising activities);
  - 9.4.6 Manage, plan and forecast and for research and statistical analysis, including that imposed or provided for by law;

- 9.4.7 Enable relevant authorities to monitor SSET's performance and to intervene and assist with incidents as appropriate;
  - 9.4.8 Give and receive references and information about past, current and prospective students to/from any other educational institution that the student attended or proposes to attend;
  - 9.4.9 Enable students to take part in assessments, and to publish the results of or other achievements of students at the school/college;
  - 9.4.10 Safeguard and promote the students' welfare and provide appropriate pastoral support and care;
  - 9.4.11 Monitor (as appropriate) use of SSET's IT and communications systems in accordance with the SSET IT and Acceptable Use Policies;
  - 9.4.12 Make use of photographic images of students in SSET and individual publications including the SSET website and (where appropriate) on SSET's social media channels in accordance with SSET's Policies;
  - 9.4.13 Ensure security, including CCTV in accordance with SSET's CCTV Policy;
  - 9.4.14 Ensure the proper operation of the school/college, including ensuring that all relevant legal obligations are complied with;
  - 9.4.15 Assess the quality of our services. We may also use information for historical research or statistical purposes; and
- 9.5 In addition, your personal information may be processed for the legitimate interest of others.
- 9.6 **Legal obligation:** where SSET needs to use personal information in order to comply with a legal obligation. For example, reporting a concern to Children's Services or disclosing information to third parties such as the courts, local authority or police where there is a legal obligation to do so. Certain personal information we process in order to comply with Health & Safety legislation or to ensure we fulfil our obligations in providing SEN education.
- 9.7 **Vital interests:** where processing the information is necessary in order to protect the vital interests of an individual where their life is at risk.
- 9.8 **Public task:** SSET relies on public interest for much of its processing when providing education and care to students. For example, we rely on public task



as the lawful basis on which we collect and use your personal data for the following:

- 9.8.1 Registration of eligible students, data assessment, profiling and statistical analysis;
  - 9.8.2 To complete returns/reports as required by the Local Authorities and/or DfE/ESFA (eg. ESFA's ILR returns and the DfE's annual census)
  - 9.8.3 To establish and analyse student attendance, behaviour and progress; and
  - 9.8.4 To promoting safeguarding to help ensure students welfare
- 9.9 **Contract:** where SSET provides data to suppliers or others under a contract or at your request prior to entering into a contract.
- 9.10 SSET must also comply with an additional condition when processing special category data, which includes any information relating to: race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information, health information and information about sex life or sexual orientation.

## 10 Consent

- 10.1 SSET may ask for your consent to use information in certain ways. Where SSET is relying on consent as a means to process personal data, an individual may withdraw this consent at any time. Any use of your information before you withdraw your consent remains valid. Please be aware that SSET may have another lawful reason to process the personal data in question even without your consent. That reason will usually be stated within this Privacy Notice or may exist under another contract or agreement with the individual.
- 10.2 SSET will often rely on parental consent to process data relating to students (if consent is required) unless it is more appropriate to rely on the students consent. Parents should be aware that in such circumstances they may not be consulted on the request or receipt of consent from the child – although this will ultimately depend on the interests of the child, the parents' rights at law and all the circumstances. Students or their parents, if appropriate, will be asked to sign an acceptable user agreement for using IT.
- 10.3 In general, SSET will assume that students' consent is not required for ordinary disclosure of their personal data to their parents. This communication is important for the purposes of keeping parents informed about the student's activities, progress and behaviour. Parents should be aware that where a

student seeks to raise concerns confidentially with a member of staff at SSET and expressly withholds their consent to disclose this information to their parents, SSET may be under an obligation to maintain confidentiality, unless disclosure is in the best interests of the student or other students or required by law.

- 10.4 Students are required to respect the personal data and privacy of others.
- 10.5 Please send any notifications of withdrawal of consent to our Data Protection Lead in the first instance.

## **11 Keeping your personal information secure**

- 11.1 SSET will use appropriate technical and organisational measures to ensure the security of personal data and has a number of policies and procedures in place in this regard.
- 11.2 We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.
- 11.3 All staff and Trustees will be made aware of this Privacy Notice, their duties under data protection law and all will receive the appropriate level of training in relation to the same.
- 11.4 We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.
- 11.5 If you want detailed information from Get Safe Online on how to protect your information and your computers and devices against fraud, identity theft, viruses and many other online problems, please visit [www.getsafeonline.org](http://www.getsafeonline.org). Get Safe Online is supported by HM Government and leading businesses.

## **12 Who has access to personal information**

- 12.1 Personal data collected by SSET will, for the most part, remain within SSET and will be processed by appropriate individuals only in accordance with access protocols by staff on a need-to-know basis.
- 12.2 Access to the following types of information is highly restricted:

- 12.2.1 Medical records (which are held by the SSET Nurse and accessed only by individuals who legitimately need to know the information to provide the correct support for the student);
  - 12.2.2 Safeguarding files (which are accessed only by the Principal, Designated Safeguarding Lead or member of staff authorised by either to assist with a matter).
- 12.3 Access to SEND data relating to a special educational need and/or disability of a student will need to be provided to staff more widely so that the necessary education and safeguards can be put in place.
- 12.4 Parents and students are reminded that SSET, as an education provider, has a number of duties imposed by law and statutory guidance in relation to recording and reporting incidents and concerns that arise or are reported to it. There may be an obligation to report some cases regardless of whether they are proven at that stage and in particular, where their nature or regularity means that they meet the threshold for referral. In some instances, notes on safeguarding files, personnel or student files may need to be referred to the relevant authorities such as the LADO or Police. For further information on this, please see SSET's Safeguarding, Child Protection & Adult at Risk Policy, which is available on the SSET website.

### **13 Transfer of your information out of the EEA**

- 13.1 We do not intend to transfer your information out of the UK or outside of the EEA during the course of our general operations. The information we hold is stored in the UK. In the event that we do need to transfer your information overseas, we will inform you accordingly.
- 13.2 If you would like further information please contact our Data Protection Lead (see 'How to contact us' below). We will not otherwise transfer your personal data outside of the UK or EEA.

### **14 Your rights**

- 14.1 Under the [General Data Protection Regulation](#) you have a number of important rights free of charge. In summary, those include rights to:
  - 14.1.1 fair processing of information and transparency over how we use your personal information;
  - 14.1.2 access to your personal information and to certain other supplementary information that this Privacy Notice is already designed to address;
  - 14.1.3 require us to correct any mistakes in your information which we hold;

- 14.1.4 require the erasure of personal information concerning you in certain situations;
  - 14.1.5 receive the personal information concerning you which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit those data to a third party in certain situations;
  - 14.1.6 object at any time to processing of personal information concerning you for direct marketing;
  - 14.1.7 object to decisions being taken by automated means which produce legal effects concerning you or similarly significantly affect you;
  - 14.1.8 object in certain other situations to our continued processing of your personal information;
  - 14.1.9 otherwise restrict our processing of your personal information in certain circumstances; and
  - 14.1.10 claim compensation for damages caused by our breach of any data protection laws.
- 14.2 For further information on each of those rights, including the circumstances in which they apply, see the [Guidance from the UK Information Commissioner's Office \(ICO\) on individuals rights under the General Data Protection Regulation](#).
- 14.3 If you would like to exercise any of the above rights, please:
- 14.3.1 email, call or write to us - all correspondence to be marked for the attention of our Data Protection Lead (see 'How to contact us' below);
  - 14.3.2 let us have enough information to identify you – for example, your full name, details of the school/college house and, if appropriate, name of your child at SSET;
  - 14.3.3 let us have proof of your identity and address (a copy of your driving licence or passport and a recent utility or credit card bill); and
  - 14.3.4 let us know the information to which your request relates.
- 14.4 If you would like to unsubscribe from any communications, please contact us to let us know (see 'How to contact us' below).
- 14.5 Any individual that wishes to access or amend their personal data, or requesting for it to be transferred outside the organisation, or who has some other objection to how their personal data is being used, should put their request in writing to the SSET Data Protection Lead (see 'How to contact us' below).

- 14.6 SSET will endeavour to respond to such written requests as soon as reasonably practicable and in line with any statutory timeframes. Regarding requests to access data, SSET has one month to respond. Please note that SSET will be better able to respond efficiently to requests that are clear and specific. If the request is manifestly excessive or similar to previous requests, SSET may ask you to reconsider your request or charge an appropriate fee for dealing with it (where permitted under data protection law).
- 14.7 You should be aware that certain data is exempt from the right of access, such as information which identifies other individuals, or information which is subject to legal professional privilege. SSET is also not required to disclose any student examination scripts (though examiners' comments may be disclosable), nor any confidential reference given by SSET for the purposes of the education, training or employment of any individual.
- 14.8 SSET will endeavour to ensure that all personal data held is up to date and as accurate as possible. Individuals must notify SSET of any significant changes to important information, such as contact details. Parents may request that out-of-date, irrelevant or inaccurate data is erased or corrected.

## 15 Student requests

- 15.1 Students can make subject access requests for their own personal data on their own behalf, provided that, in the reasonable opinion of SSET, they have sufficient maturity to understand the request they are making. Generally, a person with Parental Responsibility for a child can make a subject access request on behalf of a child, however the data itself is legally considered to belong to the child.
- 15.2 A student of any age may ask a parent or other representative to make a subject access request on his or her behalf. Parents should note that the child's consent or authority may need to be sought if the child is of sufficient age, which is generally assumed to be the age of 13 (although this will depend on the child and the data requested, including any relevant home circumstances). All requests will be considered on a case by case basis.
- 15.3 It is accepted that most subject access requests for students at SSET will be made by parents or guardians and this maybe done without the express permission of the student. All requests will be considered on a case by case basis.



## **16 How to complain**

- 16.1 We hope that we can quickly and satisfactorily resolve any query or concern you raise about our use of your information. Please contact our Data Protection Lead in the first instance.
- 16.2 We will utilise the SSET Complaints Policy in the event that there is a complaint or concern that SSET has not complied with its data protection obligations.
- 16.3 The [General Data Protection Regulation](#) also gives you right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns/>. However, it is recommended that steps are taken to resolve the matter with the relevant organisation before involving the regulator.

## **17 Changes to this Privacy Notice**

- 17.1 This Privacy Notice was published on 6<sup>th</sup> July 2018.
- 17.2 We may change this Privacy Notice from time to time and when we do, a copy of the amended version will be available on the SSET website.

## **18 How to contact us**

- 18.1 Please contact our Data Protection Lead if you have any questions about this privacy notice or the information we hold about you.
- 18.2 If you wish to contact our Data Protection Lead please:
  - 18.2.1 send an email to [dataprotection@thesheilingringwood.co.uk](mailto:dataprotection@thesheilingringwood.co.uk) ; or
  - 18.2.2 write to c/o SSET, Horton Road, Ringwood, Hampshire, BH24 2EB; or
  - 18.2.3 call 01425 477488.

## **19 Do you need extra help?**

- 19.1 If you would like this notice in another format (for example: large print) please contact us (see 'How to contact us' above).