Policy and Procedure

Privacy Policy for Pupils & Parents

Reviewed and approved by:

Finance, Resource & Audit Committee c/o BCWCAT Trust Board

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1.1

Privacy Notice (How We Use Information About Pupils and Their Families)

Introduction

This privacy notice explains how we collect, use, share, and protect personal information about our pupils and their families.

Categories of Information We Process

The categories of pupil/family information that we process include:

- Personal identifiers and contacts (such as name, unique pupil number, contact details, and address)
- Characteristics (such as ethnicity, language, and pupil premium/free school meal eligibility)
- **Safeguarding information (such as court orders and professional involvement)**
- Special educational needs (including specific needs and rankings)
- Medical and administration (such as doctors' information, child health, dental health, allergies, medication, and dietary requirements)
- Attendance records (such as sessions attended, number of absences, absence reasons, and previous schools attended)
- Assessment and attainment (such as key stage 1 and phonics results)
- **Post-16 courses enrolled, relevant results, and other post-16 options**
- **16+ information (including options regarding participation in education, training, or employment)**
- Behavioural information (records of incidents and exclusions, and relevant alternative provision)

This list is not exhaustive; please see our data processing map (Record of Processing Activities - RoPA) for the current list.

Why We Collect and Use Pupil and Family Information

We collect and use pupil information and that of their families for the following purposes:

- To support pupil learning, assessment, and special educational needs as appropriate.
- To monitor and report on pupil attainment and progress.
- **To provide appropriate pastoral care.**
- To assess the quality of our services.
- To keep children safe (e.g., food allergies or emergency contact details) and safeguard in accordance with our responsibilities under Keeping Children Safe in Education (KCSiE).
- To meet the statutory duties placed upon us for the Department for Education (DfE) data collections and health services.

Use of AI (Artificial Intelligence)

How we use AI

We sometimes use carefully selected, Trust-approved AI tools to support teaching, learning and school administration. Examples include creating or adapting lesson resources, drafting documents for staff, and improving the accessibility of materials. AI never replaces teachers' judgement, and pupils are not given unfiltered access to general-purpose AI systems.

Data we may process with AI

By default we avoid using personal data with AI tools. Where limited personal data is strictly necessary and proportionate (e.g., a class list in a staff planning document), we only use approved tools acting under contract as our processors and apply data-minimisation and safeguarding controls.

Lawful basis

We rely on Article 6(1)(e) UK GDPR (public task) to deliver education and safeguarding, and on Article 6(1)(f) (legitimate interests) for proportionate administrative uses.

We only process special category data with a valid Article 9 condition and added safeguards, or with consent where appropriate. If a tool's optional feature requires consent, we will request this and you may withdraw it at any time.

Automated decision-making

We do not make decisions about pupils that produce legal or similarly significant effects solely by automated means (Article 22 UK GDPR). Where AI suggests an action (for example, a draft), a trained member of staff reviews and decides.

Processors & training uses

Where an AI vendor processes personal data for us, they act as our data processor under Article 28 contract (security, deletion on instruction, sub-processor transparency). We do not permit vendors to use pupils' data to train commercial models without explicit consent.

International transfers, retention & rights

If personal data is processed outside the UK, we use appropriate safeguards (UK adequacy, IDTA/UK Addendum to EU SCCs). AI-related records are retained in line with our retention schedule (IRMS) and then securely deleted. Parents/carers and pupils (as appropriate) retain their full data-protection rights (access, rectification, erasure, restriction, objection) and may contact the DPO with questions.

Lawful Bases for Processing Personal Data

Under the UK General Data Protection Regulation (UK GDPR), the lawful bases we rely on for processing pupil information include:

- Article 6 (1) (c): Processing is necessary for compliance with a legal obligation to which the controller is subject.
- Article 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.
- For special category data, we rely on:
    - Article 9 (2) (a): The data subject has given explicit consent to the processing for specified purposes.
    - Article 9 (2) (c): To protect the vital interests of the individual.
    - Article 9 (2) (f): Legitimate purposes involving legal claims.
    - Article 9 (2) (i): Required for purposes of public health.

Storing Pupil/Family Data

We hold pupil data securely for the time specified in our data retention schedule. We have adopted the Information and Records Management Society (IRMS) recommendations. For more information, please see the Data Protection Policy and the IRMS Toolkit for schools.

Who We Share Pupil/Family Information With

We routinely share pupil information with:

- Schools that the pupils attend after leaving us.
- Our local authority.
- Youth support services (pupils aged 13+).
- The Department for Education (DfE).
- National Health Service.
- Targeted and family support services.
- The Police.
- Courts and the Children and Family Court Advisory and Support Service (Cafcass).
- Service providers (such as Data Protection, HR, and IT support services where appropriate).

Why We Regularly Share Pupil Information

We do not share information about our pupils without consent unless the law and our policies allow us to do so. For example, we must share pupil information in accordance with the Education (Pupil Information) (England) Regulations 2005 and Keeping Children Safe in Education statutory guidance.

Youth Support Services

For pupils aged 13+, we pass pupil information to our local authority and/or provider of youth support services. This enables them to provide services related to education and training for 13-19-year-olds.

Withdrawal of Consent and the Right to Lodge a Complaint

Where we process personal data based on consent, you have the right to withdraw that consent. If you are unhappy with our use of your personal data, please let us know by contacting the Governance Administrator at Governance@bcwcat.co.uk or the Data Protection Officer (DPO) Richard Lewis-Ogden at DPO@bywaterkent.co.uk.

Data Retention

We will hold pupil data securely for the duration specified in our data retention schedule, following the IRMS guidelines.

Right to Access

Parents and pupils have the right to request access to information about them that we hold. To make a request, please contact the Governance Administrator at Governance@bcwcat.co.uk or Richard Lewis-Ogden, DPO via email at DPO@bywaterkent.co.uk.

Last Updated

This privacy notice is subject to periodic updates. This version was last updated in September 2024.