



# The Brook Special School GDPR Pupil and Parent Privacy Notice

## Pupil information that we collect, hold and share

The Brook Special School collects, holds and shares certain personal data relating to pupils and their families that you provide us. The School collects and uses pupil information under section 537A of the Education Act 1996, and section 83 of the Children Act 1989.

We, **The Brook Special School, Adams Road, N17 6HW**, are the 'data controller' for the purposes of data protection law.

Our data protection officer is **Mr Duwan Farquharson** (see 'Contact us' below).

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

- Contact details, contact preferences, date of birth, identification documents
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs, meal patterns
- Exclusion information
- Details of any medical conditions, including physical and mental health
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs
- CCTV images captured in school
- Ethnic and culture, home language & first language, religion, pupil nationality and country of birth
- Proficiency in English
- Details of parents economic status and national insurance number
- Achievement details

The School may also receive information regarding pupils and their families from previous schools, the Haringey Council or the Department of Education (DfE). This includes:

- Personal information – such as names, unique pupil numbers and addresses;
- 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;
- Assessment information – such as national curriculum assessment results;
- Relevant medical information;
- Information relating to Special Educational Needs Information (SEND);
- Behavioural information – such as temporary or permanent exclusions.

## Why we collect and use this information

The Brook Special School will collect and use personal data relating to pupils and their families to:

- Support pupil learning;
- Monitor and report on pupil progress;
- Provide appropriate pastoral care;
- Assess the quality of our services;
- Comply with the law regarding data sharing;
- Safeguard pupils;



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- Protect pupil welfare;
- Administer admissions nursery and childcare waiting lists
- Carry out research;

## Data processed based on your consent

Whilst the majority of the personal data you provide to the School is mandatory, some is provided on a voluntary basis. When collecting data, the School will inform you whether you are required to provide this data or if you have a choice in this.

If we need your consent, the School will provide you with clear and detailed information as to why the School is collecting the data and how the data will be used.

Where The Brook Special School processes your data based on your consent, **you have the right to withdraw this consent at any time.**

If you have a concern about the way The Brook Special School and/or the DfE is collecting or using your personal data, you can raise a concern with the Information Commissioner's Office (ICO).

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

## The lawful basis on which The Brook Special School uses this information

The Brook Special School collects and uses pupil information under the submission of the school census returns, including a set of named pupil records, is a statutory requirement on schools under Section 537A of the Education Act 1996.

Putting the school census on a statutory basis complies with Article 6 and Article 9 of the GDPR which set the lawful basis for processing data and:

- means that schools do not need to obtain parental or pupil consent to the provision of information;
- ensures schools are protected from any legal challenge that they are breaching a duty of confidence to pupils;
- helps to ensure that returns are completed by schools.

We only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where:

- We need to comply with a legal obligation
- We need it to perform an official task in the public interest

Less commonly, we may also process pupils' personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

## Collecting this information

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



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Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

## Why we share pupil information?

The School does not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

The Brook Special School share pupils' data with the DfE on a statutory basis such as the school census information and early years' census. This data sharing is used to assess school funding, educational attainment policy and monitoring.

The School is also required to share information about our pupils with Haringey Council as the local authority and the DfE under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

The [National Pupil Database](#) (NPD) is managed by the DfE and contains information about pupils in schools in England. The information 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.

For more information, see the Department's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) with any further questions about the NPD.

The Brook Special School is required by law to provide information about our pupils to the DfE as part of statutory data collections, for example, the school census; some of this information is then stored in the NPD.

The DfE may share information about The Brook Special School pupils taken from the NDP with other organisations who promote the education or wellbeing of children in England by:

- Conducting research or analysis;
- Producing statistics;
- Providing information, advice or guidance.

The DfE has robust processes in place to ensure the confidentiality of any data shared from the NDP is maintained.

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>.

## Processing your data

In some cases, the School will contract with an external organisation to process your data. The same data protection rules will apply to any external organisation.

## Who the School shares pupil information with/Will my information be shared?

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

- Schools that our pupil's attend after leaving us;
- Haringey Council;
- The Department for Education (DfE).
- The NHS



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- Haringey Educational Partnership
- Educators and examining bodies
- Our regulator for example OFSTED
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Our auditors
- Professional advisers and consultants
- Charities and voluntary organisations
- Central and local government

Unless the law requires the School to share your data, it will only do this with your consent.

## How long is your data stored for?

Personal data relating to pupils at The Brook Special School and their families is stored in line with the School's GDPR Data Protection Policy.

The School does not store personal data indefinitely; data is only stored for as long as is necessary to complete the task for which it was originally collected.

The Brook Special School currently holds pupil data whilst the child remains at the school and until they reach the age of 25 years.

The Brook Special School adopt the Retention Guidelines of IRMS [Information and Records Management Society's toolkit for schools](#)

## What are your rights?

Parents and pupils have the following rights in relation to the processing of their personal data. You have the right to:

- Be informed about how The Brook Special School uses your personal data;
- Request access to the personal data that The Brook Special School holds;
- Request that your personal data is amended if it is inaccurate or incomplete;
- Request that your personal data is erased where there is no compelling reason for its continued processing;
- Request that the processing of your data is restricted;
- Object to your personal data being processed.

## Other rights

- For the collection of census data parents currently have the right to decline to provide data on *pupil nationality and country of birth*.
- Parents have right to retract previously submitted data with respect to any *nationality or country of birth* information returned in a previous census.

## Requesting access to your personal data

Under data protection legislation (the General Data Protection Regulations and Data Protection Act 2018), parents and pupils have the right to request access to information that The Brook Special School holds about them.

To make a request for your personal information, or be given access to your child's educational record, contact our data protection officer Mr Duwan Farquharson (see 'Contact us' below).



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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;
- 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/>

## 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.

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

## Where can you find out more information and who to contact?

If you would like to find out more information about how The Brook Special School collects, uses and stores your personal data, please read our GDPR Data Protection Policy.

If you would like to discuss anything in this privacy notice, **Mr Duwan Farquharson** acts as a representative for The Brook Special School with regard to its data controller responsibilities and is available on 020 8858800 or via email at [admin@thebrook.haringey.sch.uk](mailto:admin@thebrook.haringey.sch.uk) **FAO Data Protection Officer**.

This notice is based on the [Department for Education's model privacy notice](#) for the school workforce, amended to reflect the way we use data in this school.