

**Wellspring Academy Trust  
Privacy Notice – Pupil/Parents/Carers**

**1. Scope**

- 1.1. Under data protection law, individuals have a right to be informed about how the Trust or its Academies uses any personal data that we hold about them. We comply with this right by providing privacy notices to individuals where we are processing their personal data. This privacy notice explains how we collect and use personal data about pupils and their families, in line with the requirements of UK GDPR (United Kingdom General Data Protection Regulation).

**2. Responsibilities**

- 2.1. The Trust Data Protection Officer is responsible for ensuring that this notice is made available to data subjects prior to Wellspring Academy Trust and its Academies collecting/processing their personal data.
- 2.2. Wellspring Academy Trust and its Academies who interact with data subjects are responsible for ensuring that this notice is drawn to the data subject's attention and where necessary their consent to the processing of their data is secured.
- 2.3. The personal data collected is essential, in order for the Trust and its Academies to fulfil its official functions and meet legal requirements.

**3. Privacy Notice**

**3.1. Who are we?**

Wellspring Academy Trust is a Multi Academy Trust that operates across Yorkshire, Humber and Lincolnshire. Our group encompasses provision across Primary, Secondary, Alternative and Special sector areas.

**3.2. Key Contact?**

Data Protection Officer: Jonny Wathen (CIO)  
Email: [privacy@wellspringacademies.org.uk](mailto:privacy@wellspringacademies.org.uk)  
Telephone: 01226 720742

**3.3. The categories of personal data that we collect, process, hold and share includes:**

- Personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- Characteristics (such as ethnicity, language, and free school meal eligibility)
- Safeguarding information (such as court orders and professional involvement)
- Special educational needs (including the needs and ranking)

- Medical and administration (such as doctors information, child physical and mental health, dental health, allergies, medication, and dietary requirements)
- Attendance (such as sessions attended, number of absences, absence reasons, exclusions and any previous schools attended)
- Assessment and attainment (such as key stage 1 and phonics results, post 16 courses enrolled for and any relevant results)
- Behavioural information (such as exclusions and any relevant alternative provision put in place)
- Identity management (such as photographic ID, catering and free school meal management including biometric fingerprint payment systems)
- Photographs and Video (such as Assessment purposes, Entry Management Systems and Security inc CCTV images)
- We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

#### 3.4. **The personal data we collect will be used for the following purposes:**

- To support pupil learning
- To monitor and report on pupil attainment progress, progression and destinations
- To provide appropriate pastoral care
- To assess the quality of our services
- To keep children safe and protect welfare (food allergies, or emergency contact details)
- To meet the statutory duties placed upon us for DfE data collections
- To carry out research
- To comply with the law regarding data sharing
- To assess the quality of our assurance services
- To manage compliments and complaints

#### 3.5. **Data sharing**

We sometimes need to share the personal information we process with the individual themselves, and also with other organisations. Where this is necessary we are required to comply with all aspects of the UK GDPR. What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons.

Where necessary or required we share information with:

- Local authorities – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions
- The Department for Education
- Youth support services
- Regulators (such as Ofsted)
- The pupil’s family and representatives
- Professional advisers
- Educators and examining bodies
- Healthcare, social and welfare organisations
- Suppliers and service providers – to enable them to provide the service we have contracted them for
- Financial organisations
- Survey and research organisations
- Local and central government
- Security organisations
- Police forces, prison and probation services, courts and tribunals

- Information System Providers (such as Management Information Systems, Virtual Learning Environments, Catering Services Systems and Third Party e-learning Applications).

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

#### Data sharing with the Local Authority

We may be required to share information about our pupils with the local authority to ensure that they can conduct their statutory duties under:

- The [Schools Admission Code](#), including conducting Fair Access Panels.

#### Data Sharing with Department for Education

We are required to share information about our pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of data collections, under:

[Section 537A of the Education Act 1996](#)

[Section 29\(3\) of the Education Act 1996](#)

[The Education \(School Performance Information\)\(England\) Regulations 2007](#)

[Regulations 5 and 8 School Information \(England\) Regulations 2008](#)

[The Education \(Pupil Registration\) \(England\) \(Amendment\) Regulations 2013](#)

All data is transferred securely and held by DfE under a combination of software and hardware controls, which meet the current [government security policy framework](#).

For more information, please see the 'How Government uses your data' section in Annex A.

#### Data Sharing with 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](#).

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent or guardian can object to any information in addition to their child's name, address and date of birth being passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once they reach the age 16.

#### Data Sharing with Youth Support Services (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

Upon reaching the age of 16 a pupil or child can object to their name, address and date of birth being passed to their local authority or provider of youth support services by informing us.

Data is securely transferred to the youth support service via a secure file transferring system and is stored within local authority software.

### 3.6. **International Transfers**

A small number of data processors used by the Trust and its academies are based outside the UK and so their processing of your personal data will involve a transfer of data outside the UK. These processors are predominantly applications and information systems used by the academies to further pupil's learning. Some UK based processors may also use sub-processors (such as cloud service providers) which are located outside of the UK.

Whenever we transfer your personal data out of the UK, the Trust will ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- a. We will transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission or Secretary of State.
- b. Where we use certain service providers who are outside of the adequacy regime, we will use standard data protection clauses approved by the Secretary of State which give personal data the same protection it has in UK.

### 3.7. **The lawful basis for processing personal data we rely on are:**

Wellspring Academy Trust and its Academies only collect and use pupils' personal data when the law allows. Most commonly, we process it where:

- We need to comply with a legal obligation (for example collecting data for DfE census purposes)
- We need it to perform an official task in the public interest
- We need it to fulfill a contractual obligation

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

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

#### Legitimate interests

As a public authority, we cannot rely on legitimate interests for any processing that we perform in respect of our tasks as a public authority. However, due to the nature of our organisation there

will be instances where we have other legitimate purposes outside the scope of our tasks as a public authority. In such instances we will consider legitimate interests where appropriate.

Where we have obtained consent to use employee personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using your personal data overlap, and there may be several grounds which justify Spring Ahead's use of your data.

### **3.8. Storage and Retention of Data**

Wellspring Academy Trust and its Academies will keep personal information about pupils while they are attending the Academy. It may also be kept beyond their attendance at an Academy if this is necessary in order to comply with our legal obligations. The retention period for different classifications of personal data has been established in line with information management guidelines. Please refer to the Trust Data Retention, Storage & Disposal Policy for data retention periods.

### **3.9. Parents/Carers and Pupils' rights as a data subject**

- The right to be informed: Individuals have the right to be informed about the collection and use of their personal data
- The right to rectification: Individuals have the right to have inaccurate personal data rectified, or completed if it is incomplete.
- The right to erasure: Individuals have the right to have personal data erased (also known as the right to be forgotten)
- The right to restrict processing: Individuals have the right to request the restriction or suppression of their personal data in certain circumstances.
- The right to data portability: This right allows individuals to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability
- The right to object: Individuals have the right to object to the processing of their personal data in certain circumstances and an absolute right to stop their data being used for direct marketing.
- Rights in relation to automated decision making and profiling: Automated individual decision-making (making a decision solely by automated means without any human involvement) and profiling (automated processing of personal data to evaluate certain things about an individual) are restricted

#### The right of access

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

Parents/Carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data, or where the child has provided consent.

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

- Give you a description of it
- Tell you why we are holding and processing it, and how long it will be kept for
- Explain where we got it from, if not you or your child
- Tell you who it has been, or will be, shared with
- Give you a copy of the information in an intelligible form
- Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

### 3.10. Other rights

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

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to 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

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

### 3.11. Complaints

In the event that you wish to make a complaint about how your personal data is being processed by Wellspring Academy Trust or how your complaint has been handled you have the right to lodge a complaint with our data protection officer or the supervisory authority. Contact details are as follows:

The details for each of these contacts are:

	<b>Supervisory authority contact details</b>	<b>DPO contact details</b>
Contact Name:	Information Commissioner's Office	Jonny Wathen
Address line 1:		Wellspring Academy Trust
Address line 2:		Digital Media Centre
Address line 3:		County Way
Address line 4:		Barnsley
Address line 5:		S70 2JW
Email:	<a href="https://ico.org.uk/make-a-complaint/">https://ico.org.uk/make-a-complaint/</a>	privacy@wellspringacademies.org.uk
Telephone:	0303 123 1113	01226 720742

## ANNEX A

### HOW THE GOVERNMENT USES YOUR DATA

#### How Government uses your data

The pupil data that we lawfully share with the DfE through data collections:

- Underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- Informs 'short term' education policy monitoring (for example, school GCSE results or Pupil Progress measures).
- Supports 'longer term' research and monitoring of educational policy. (for example, how certain subject choices go on to affect education or earnings beyond school)

#### Data collection requirements

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>

#### The National Pupil Database (NPD)

Much of the data about pupils in England goes on to be held in the National Pupil Database (NPD).

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.

To find out more about the NPD, go to

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

#### Sharing

The law allows the Department to share pupils' personal data with certain third parties, including:

- Schools
- Local authorities
- Researchers
- Organisations connected with promoting the education or wellbeing of children in England.
- Other government departments and agencies
- Organisations fighting or identifying crime

For more information about the Department's NPD data sharing process, please visit:

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

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police. For information about which organisations the Department has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website:

<https://www.gov.uk/government/publications/dfe-external-data-shares>

### **How to find out what personal information DfE hold about you**

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department:

- If they are processing your personal data
- For a description of the data they hold about you
- The reasons they're holding it and any recipient it may be disclosed to
- For a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

To contact DfE: <https://www.gov.uk/contact-dfe>