

Winifred Holtby Academy

Admissions Data Protection Statement (relating to Learners and their Families)

We need to collect information about learners and their families as part of our admissions procedure in order to provide our educational services.

This Data Protection Statement ("**this Statement**") explains what information we collect from and about learners and their families, how their information will be used, how we determine for long we keep it and what their related rights are.

1. Who are we?

- 1.1 We are Winifred Holtby Academy. Our address for correspondence is Winifred Holtby Academy, Midmere Avenue, Leads Road, Hull, HU7 4PW.
- 1.2 We are committed to ensuring that all personal information we hold is treated properly and in accordance with applicable data protection legislation. We are registered as a data controller with the Information Commissioner's Office and our registration number is Z7128427. In accordance with applicable data protection legislation, we are required to explain to you how we will treat any personal data which we collect about you.
- 1.3 This Statement applies to families of learners that attend the academy listed in Section 1.1 above (including the learner themselves). This Statement covers the personal information we collect as part of our admissions process and in connection with the learner's subsequent attendance at the academy.
- 1.4 You promise that any information you supply to us is accurate and up-to-date, that you will inform us if any such information requires updating and that where you submit any other person's details to us (including but not limited to any emergency contacts listed on the Admissions Data Collection form) you have that other person's permission or are otherwise legally permitted to do so on their behalf.
- 1.5 You have the right to lodge a complaint with the Information Commissioner's Office if you have any concerns with regard to the way in which we process your personal information.

2. What information do we collect and how do we use it?

- 2.1 When a learner is allocated a place within the Academy, you may give us information about you, the learner and other family members by completing our Admissions Data Collection form, or by corresponding with us by telephone, email or otherwise. We may also receive information from the learner's previous school/academy. This information may include:
 - (a) The learner's name, date of birth, address, previous school/academy, gender, nationality, country of birth and first language. It may also include the names and contact details of family members and emergency contacts; and

- (b) The following categories of more sensitive personal information about the learner: ethnicity, religion, information about health (including any medical condition or special educational needs or disabilities).

2.2 We may also collect additional information about the learner and their family during their time at the school/academy, including the following:

- (a) Attendance information (e.g. number of absences and reasons for absence);
- (b) Assessment information (e.g. national curriculum assessment results);
- (c) Behavioural information (e.g. number of temporary exclusions); and
- (d) Photographs (these will be used to aid our records management and attendance procedures. We will do this even if we do not have consent to photography for publicity purposes as mentioned in section 3.1(a) below).

We will use information about learners and their families for the purposes set out in sections 2.3 to 2.6 below (save for the particularly sensitive information mentioned in section 2.1(b) above, which will only be used for the purposes mentioned in section 2.6 below):

2.3 We will use such personal information as necessary in order for us to perform a task carried out in the public interest in the circumstances described below:

- (a) to admit the learner into the academy;
- (b) to provide educational services, pastoral services, safeguarding and welfare, extra – curricular activities and careers advice;
- (c) to monitor and report on the progress of our learners and their related needs (including the sending of academy reports to parents / carers);
- (d) to facilitate the monitoring of the academy’s performance by relevant public bodies
- (e) to enable learners to take part in exams and assessments;
- (f) to publish learners’ public examination results; and
- (g) to notify parents/carers of relevant matters arising in relation to the learner (for example, non – attendance, emergencies, and disciplinary matters).

2.4 We will also use such personal information as necessary for our legitimate interests in the circumstances described below (provided that your interests and fundamental rights do not override those interests):

- (a) to monitor the learner’s use of our information and communication systems to ensure compliance with our policies and procedures;
- (b) where it is necessary to establish, exercise, or defend any legal claim;
- (c) to deal with and respond to any queries, enquiries or complaints that we receive
- (d) to assess and improve the quality of our service;
- (e) to send parents / carers a copy of the academy’s newsletter from time to time; and
- (f) to claim additional funding for the academy (for example, information relating to free school meal entitlement, information relating to fostering or adoption, and details of any parents/carers who are active in the armed forces).

2.5 We will also use such personal information as necessary in order for us to comply with a legal obligation in the circumstances described below:

- (a) in connection with the school census; and
- (b) to comply with health and safety and safeguarding requirements.

- 2.6 We will use such particularly sensitive personal information in the following ways:
- (a) where it is necessary to protect the vital interests of the learner or another person where the learner is physically or legally incapable of giving us consent (for example in cases of medical emergency);
 - (b) to provide medical treatment to learners if required;
 - (c) to comply with our legal safeguarding and health and safety obligations, including to ensure that any special educational needs are appropriately addressed; and
 - (d) details of the learner's ethnicity and religion will be processed as part of our legal duty to complete the school census
- 2.7 If we are not provided with information when requested which is necessary for us to provide our services, we may not be able to provide the best service and care to the learner (for example, if we are not notified of any special educational needs). We may also be unable to comply with our legal obligations.
- 2.8 In limited circumstances, we may approach you for your consent to allow us to process certain information for purposes not referred to in this Statement. If we do so, we will provide you with full details of the information we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us. If you do provide us with consent, you will be able to withdraw it at any time via the method that we notify you of when obtaining your consent. Any such withdrawal will not affect the lawfulness of our processing of your personal information before you withdrew consent.

3. Processing Learner information with Consent

- 3.1 Where we have been provided with related consent from you and / or the learner (as applicable) we may also:
- (a) use photography and video footage featuring the learner's image for internal purposes and / or external purposes such as publicity: and
 - (b) where the learner's Academy uses a cashless catering system, use biometric (fingerprint) information to identify the learner at the till, library and printers (where your consent is explicit).
- 3.2 Where we are processing the learner's information for any purpose on the basis that we have your consent, you may withdraw your consent to us using such information for that purpose at any time. This can be done by e-mailing us at DPO@winifredholtbyacademy.com or writing to The Data Protection Link, Winifred Holtby Academy, Midmere Avenue, Leads Road, Hull, HU7 4PW. Any such withdrawal will not affect the lawfulness of us relying on your consent before you withdrew it.
- 3.3 Please note that if consent is withdrawn (or is not provided) in respect of us processing the learner's information for either purpose stated in Section 3.1 above, we will not be able to use the learner's data for the relevant purpose (e.g. we will not be able to use their image for publicity and / or (if the academy has a cashless catering system) the learner will be issued with an ID card for identification at the canteen till, library and printers.

4. To whom will we disclose personal information?

4.1 You will be asked before we disclose personal information about you or the learner to third parties, unless:

- (a) they are only processing such information on our behalf for specified purposes in accordance with our instructions. The following activities in particular are carried out by third party processors on our behalf: catering services, electronic learning software, parent communications and parent online payments;
- (b) such disclosure is required by law (for example, we are required by law to submit certain learner information (including the learner's ethnicity, religion and any special educational needs) three times per year to the Department for Education in connection with the school census. We may also be required to observe any other statutory data collection requirements imposed on us from time to time. We also have a statutory duty to notify relevant authorities of safeguarding concerns);
- (c) Such disclosure is necessary for the performance of a task in the public interest (for example, disclosures to destination academies/schools or colleges);
- (d) the third party is providing us with professional advice where necessary for our legitimate interests and permitted by law;
- (e) the disclosure is in connection with criminal investigations, legal proceedings or prospective legal proceedings where necessary for our related legitimate interests and permitted by law;
- (f) the disclosure is necessary for our legitimate interests in establishing, exercising or defending our legal rights (including providing information to others for the purposes of fraud prevention) and permitted by law;
- (g) the disclosure is necessary to protect the interests of the learner or another person where you are physically or legally incapable of giving us your consent;
- (h) the disclosure is in connection with a proposed sale of any part of our business or assets (in which case we may disclose your personal information to the prospective seller or buyer of such business or assets and/or their professional advisors) or the proposed acquisition of substantially all of our assets by a third party. Any such disclosure will be made where necessary for the legitimate interests of us and/or the third party in respect of the proposed transaction; however, we will not transfer your personal information to any such third party unless we are satisfied that they are able to provide an adequate level of protection in respect of your personal information; or
- (i) we have stated or informed you otherwise (including in this Statement) and such disclosure is permitted by law.

4.2 If you receive services from us which involve the services of a third party, we will pass information about you to that third party so they can provide you with those services on our behalf. For example, any third party who we engage to deliver BTEC qualifications on our behalf.

- 4.3 In the event that you provide us with feedback regarding our activities, we may disclose that feedback to those of our suppliers who are involved in those activities where necessary for the relevant supplier's legitimate interests in taking such feedback into account.
- 4.4 Except as provided in this Statement, we will not provide or disclose your information to third parties without your express consent for any purpose (including but not limited to direct marketing). We do not sell personal information under any circumstances.
- 4.5 In certain circumstances we may use the services of a supplier outside the European Economic Area (EEA) for purposes referred to in this Statement (for example, in connection with educational software programs used by learners at the academy). This may involve some of the learner's personal information being processed by the relevant supplier on our behalf outside of the EEA. If we do this we will require the relevant supplier to put in place appropriate technical and organisational data protection security measures (for example, as part of our contract with the relevant supplier or by verifying that they operate under the EU – US Privacy Shield framework (please see www.privacyshield.gov for further details).

5. Your rights

- 5.1 You have a legal right to see a copy of the personal information that we keep about you and to require us to correct any inaccuracies, subject to certain exemptions. In some circumstances you may also have the right to:
- (a) request that we erase any personal information held about you;
 - (b) restrict our processing of your personal information (for example to ask to suspend the processing of personal information to establish its accuracy or the reasons for processing it);
 - (c) data portability (i.e. to request the transfer of personal information to a third party); and
 - (d) object to our processing of your personal information where we are relying on a legitimate interest (or those of a third party) or the processing is carried out on the basis that it is necessary for the performance of a task in the public interest.
- 5.2 Requests in respect of the above should be made in writing to the Data Protection Link, Winifred Holtby Academy, Midmere Avenue, Leads Road, Hull, HU7 4PW or via email at DPO@winifredholtbyacademy.com. Please contact the same address if you have any reason to believe that information we hold about you is inaccurate. We will respond to your request as soon as possible and, in any event, within one month from the date of receiving the request. Please note that we may, where legally permitted, reject any such request or limit the scope of our response (e.g. if, in the circumstances, the right does not apply to you).
- 5.3 In accordance with applicable data protection legislation, we follow security procedures in the storage and disclosure of your information. We may therefore request proof of your identity and rights before complying with any request of a nature described in section 5.1 above.
- 5.4 You will not generally have to pay a fee to exercise any of your rights described in section 5.1 above. However, we may charge a reasonable fee if you make a request to see a copy

of your personal information which is clearly unfounded or excessive. Alternatively, we may refuse to comply with your request in such circumstances.

6. Security, retention and destruction of your personal information

- 6.1 We have put in place appropriate security measures to prevent personal information about learners and their families from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to such personal information to those employees, agents, contractors and other third parties who have a valid need to know that information.
- 6.2 We have put in place procedures to deal with any suspected data security breach and will notify you and/or any applicable regulator of a suspected breach where we are legally required to do so.
- 6.3 Any personal information held by us in relation to any of the purposes described in this Statement will be retained by us for as long as we need it to fulfil the purpose(s) for which it was collected (including for the purposes of satisfying any legal, accounting or reporting requirements. Further details of our specific retention periods are set out in our Data Retention Policy (a copy of which is available upon request from our Data Protection Link, you can request this by e-mail DPO@winifredholtbyacademy.com or in writing to Winifred Holtby Academy, Midmere Avenue, Leads Road, Hull, HU7 4PW).
- 6.4 Whilst taking into consideration our legal obligations, we will on an ongoing basis: review the length of time that we retain personal data; consider the purpose or purposes for which we hold the personal data in deciding whether (and for how long) to retain it; securely delete personal data that is no longer needed for such purpose or purposes; and update, archive or securely delete information if it goes out of date.

7. How will you know if we make any changes to this Statement?

- 7.1 This Statement does not form part of any contract.
- 7.2 We may amend this Statement at any time. If we make any changes to the way in which we use personal information about learners and their families, we will notify you by writing to you or by sending you an e-mail.

8. Contact

If you have any questions about this Statement or our treatment of personal information about learners and their families, please contact our Data Protection Link by email at DPO@winifredholtbyacademy.com or by writing to the Data Protection Link, Winifred Holtby Academy, Midmere Avenue, Leads Road, Hull, HU7 4PW.