

Privacy Notice

1. Introduction

1.1 Bridgwater College Trust is a limited company (not using “limited” in its title), company number 08098956, and a registered charity in England and Wales, charity number 8098956, with its registered office at Bridgwater College Academy, Parkway, Bridgwater, TA6 4QY.

1.2 Please read this Privacy Notice carefully, and if you have any questions about your personal data or its use, please contact the Trust Data Protection Officer by email: lcage@educ.somerset.gov.uk, or by letter: Bridgwater College Academy, Parkway, Bridgwater, TA6 4QY.

1.3 The schools currently within the Trust are:

1.3.1 Bridgwater College Academy, Parkway, Bridgwater, TA6 4QY;

1.3.2 Brymore Academy, Brymore Way, Cannington, Bridgwater, TA5 2NB;

1.3.3 Hamp Academy, Rhode Lane, Bridgwater, TA6 6JB;

1.3.4 Otterhampton Primary School, School Lane, Comwich, Bridgwater, TA5 2QS; and

1.3.5 West Somerset College, Bircham Road, Minehead, TA24 6AY.

1.4 Reference to the Trust includes all of the above schools.

1.5 This Privacy Notice describes how the Trust will collect, use, process, store and retain personal data about individuals including: current, past and prospective pupils; their parents, carers or guardians (referred to in this Notice as “parents”); suppliers and contractors; donors; friends and supporters; and other individuals connected to or visiting the Trust and the schools within it. This is in accordance with data protection legislation including but not limited to the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

1.6 Anyone who acts on behalf of the Trust (including governors and trustees) should also be aware of and comply with this Privacy Notice, which also provides further information about how personal data about those individuals will be used.

1.7 We are a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required by data protection legislation and the GDPR to notify you of the information contained in this Privacy Notice.

- 1.8 It is important that you read and retain this notice, together with any other Privacy Notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are.
- 1.9 This privacy notice is for information only, it is not a contractual agreement.

2. Data Protection Principles

- 2.1 We will comply with data protection legislation including but not limited to the Data Protection Act 2018 and the GDPR. This says that personal information we hold about you must be:

- 2.1.1 Used lawfully, fairly and in a transparent way;
- 2.1.2 Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- 2.1.3 Relevant to the purposes we have told you about and limited only to those purposes;
- 2.1.4 Accurate and kept up to date;
- 2.1.5 Kept only as long as necessary for the purposes we have told you about; and
- 2.1.6 Kept securely.

3. Types of personal data processed by the school

- 3.1 This will include by way of example:
- 3.1.1 Names, addresses, telephone numbers, email addresses and other contact details;
 - 3.1.2 Biometric information where applicable;
 - 3.1.3 Bank details and other financial information, e.g. for suppliers and contractors who supply us with goods and services;

- 3.1.4 Past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including any information about any special needs), and examination scripts and marks;
- 3.1.5 Where appropriate, information about individual's health and welfare, and contact details for next of kin;
- 3.1.6 References given or received by schools about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils
- 3.1.7 Correspondence with and concerning employees, pupils and parents past and present; and
- 3.1.8 Images of pupils (and occasionally other individuals) engaging in school activities, including images captured by the school's CCTV system

4. Why the Trust needs to process personal data

- 4.1 In order to carry out its duties to pupils and parents, the Trust needs to process a wide range of personal data about individuals as part of its daily operation.
- 4.2 Some of this activity the Trust will need to carry out in order to fulfil its legal rights, duties or obligation.
- 4.3 Other uses of personal data will be made in accordance with the Trust's legitimate interests, or the legitimate interest of another, provided these do not involve sensitive or special category data, and provided that these are not outweighed by the impact on individuals.
- 4.4 The following uses will fall within this category of 'legitimate interests':
 - 4.4.1 For the purposes of pupils selection and admission to the Trust (and to confirm the identity of prospective pupils and their parents);
 - 4.4.2 To provide education services, including musical education, physical training or spiritual development, career services and co-curricular activities to pupils, and monitoring pupils' progress and educational needs;

- 4.4.3 Maintaining relationships with alumni and the school community, including direct marketing or fundraising activities;
- 4.4.4 For the purposes of due diligence, and to confirm the identity of prospective donor and their background and relevant interests;
- 4.4.5 For the purpose of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity);
- 4.4.6 To enable relevant authorities to monitor the school's performance and to intervene to monitor the performance of the Trust and to intervene or assist with incidents as appropriate;
- 4.4.7 To give and receive information and references about past, current and prospective pupils, and to provide references to potential employers of past pupils;
- 4.4.8 To enable pupils to take part in national assessment, and to publish the results of public examinations or other achievements of pupils of the Trust;
- 4.4.9 To safeguard pupils' welfare and provide appropriate pastoral care;
- 4.4.10 To monitor (as appropriate) use of the Trust's IT and communications systems in accordance with each school's IT Acceptable Use Policy;
- 4.4.11 With consent where appropriate, make use of photogenic and video images of pupils in each school's publications, on each school's website, and (where appropriate) on each school's social media channels in accordance with each school's policy on taking, storing and using images of children;
- 4.4.12 For security purposes, including biometrics (where applicable) and CCTV in accordance with the appropriate school's biometrics or CCTV policies;
- 4.4.13 To carry out or cooperate with any Trust or external complaints, disciplinary or investigation process; and
- 4.4.14 Where otherwise reasonably necessary for the Trust's purposes, including to obtain appropriate professional advice and assurance for the Trust.

4.5 In addition, the Trust, will on occasion need to process special category personal data (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information as appropriate, in accordance with the rights and duties imposed on them by law, including as regarding safeguarding. From time to time explicit consent is obtained where required to process this data. These reasons will include:

- 4.5.1 To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individuals interest to do so: e.g. for medical advice, for social protection, safeguarding, and cooperation with the police or social services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs;
- 4.5.2 To provide educational services in the context of any special educational needs of a pupil;
- 4.5.3 To provide spiritual education in the context of any religious beliefs;
- 4.5.4 To run any of its systems that operate on biometric data, such as for security and other forms of pupil identification (where applicable);
- 4.5.5 As part of any Trust or external complaints, disciplinary or investigation process that involves such data, e.g. if there are SEN, health or safeguarding elements; or
- 4.5.6 For legal and regulatory (e.g. child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

5. How the Trust collects data

5.1 Generally, each school will receive personal data from the individual directly (including in the case of pupils, from their parents). This may be via a form, or in the ordinary course of interaction or communication (such as email or written assessments).

- 5.2 However, in some cases personal data will be supplied by third parties (e.g. another school, or other professionals or authorities working with that individual); or collected from publically available resources.

6. Who has access to personal data and who the Trust shares it with

- 6.1 We routinely share personal data about individuals including: current, past and prospective pupils; their parents; suppliers and contractors; donors; friends and supporters; and other individuals connected to or visiting the Trust with appropriate third parties, including:

- 6.1.1 Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions;
- 6.1.2 The Department for Education;
- 6.1.3 The pupil’s family and representatives;
- 6.1.4 Educators and examining bodies;
- 6.1.5 Ofsted;
- 6.1.6 Suppliers and service providers – to enable them to provide the service we have contracted them for;
- 6.1.7 Financial organisations;
- 6.1.8 Central and local government;
- 6.1.9 Our auditors;
- 6.1.10 Survey and research organisations;
- 6.1.11 Health authorities;
- 6.1.12 Security organisations;
- 6.1.13 Health and social welfare organisations;
- 6.1.14 Professional advisers and consultants;

- 6.1.15 Charities and voluntary organisations;
 - 6.1.16 Police forces, courts and tribunals;
 - 6.1.17 Professional bodies;
 - 6.1.18 Work experience providers and apprenticeship programmes; and
 - 6.1.19 Schools, colleges and universities that the pupil's attend after leaving us.
- 6.2 The Department for Education has legal powers to collect pupil, child and employee data that the Trust, schools, local authorities and awarding bodies hold.
- 6.3 The legislation that allows this includes:
- 6.3.1 the Education Act 2005;
 - 6.3.2 the Education Act 1996; and
 - 6.3.3 the Children Act 1989.
- 6.4 The National Pupil Database (NPD) contains information about pupils in schools in England. It is owned and managed by the Department for Education.
- 6.5 The Department for Education uses the (NPD) to inform policy, while extracts of NPD are available to approved users such as research organisations, news organisations and other approved bodies to promote education and wellbeing in children in England. This is done by:
- 6.5.1 Conducting research or analysis;
 - 6.5.2 Producing statistics; or
 - 6.5.3 Providing information, advice and guidance.
- 6.6 Decisions regarding the sharing of NPD data to third party organisations are subject to strict and robust procedures to ensure the confidentiality of data is maintained and there are stringent controls in place regarding access to this data. There will be a detailed assessment of:
- 6.6.1 Who is processing the data;
 - 6.6.2 The purpose for which the data is required;
 - 6.6.3 The level and sensitivity of the data requested; and

- 6.6.4 The arrangements in place to store and handle this data.
- 6.7 An example of a legal requirement to share personal data is the submission of the school census returns, including a set of names pupil records. This is a statutory requirement on schools under Section 537A of the Education Act 1996.
- 6.8 Due to this legal requirement of sharing personal data:
- 6.8.1 Means that schools do not need to obtain parental or pupil consent to the provision of information;
 - 6.8.2 Ensures schools are protected from any legal challenge that they are breaching a duty of confidence to pupils;
 - 6.8.3 Helps to ensure that returns are completed by schools.
- 6.9 For the most part, personal data collected by the Trust will remain within each school, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of pastoral or safeguarding files.
- 6.10 However, a certain amount of any SEN pupil's information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.
- 6.11 Pupils and parents are reminded that the Trust are under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record and report incidents and concerns that arise or are reported to them, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information, please see the Trust Safeguarding Policy.
- 6.12 In accordance with data protection legislation, some of the Trust's and each school's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with specific direction from the Trust or the school.

7. Data accuracy and security

- 7.1 The Trust will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the school their child attends of any significant changes to important information, such as contact details, held about you or your child.
- 7.2 All employees will be made aware of this Privacy Notice and their duties under data protection legislation and receive relevant training. The Trust will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to school systems.

8. Your rights

8.1 Rights of access:

- 8.1.1 Individuals have various rights under the data protection legislation to access and understand personal data held about them by the Trust, and in some cases for it to be erased and amended or have it transferred to others, or for the school to stop processing it – but subject to certain exemptions and limitations.
- 8.1.2 Any individual wishing to access or amend their personal, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the relevant department, the school your child attends.
- 8.1.3 The school in question will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time limits (which is one month in the case of requests for access to information).
- 8.1.4 The school in question will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the school may ask you to reconsider, or require a proportionate fee (but only where the data protection legislation allows this).

8.2 Requests that cannot be fulfilled:

- 8.2.1 You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right to access. This will include information which identifies another individual(s) (and parents need to be aware this may include their own children, in certain limited situations), or information which is subject to legal privilege (e.g. legal advice given to or sought by the Trust or documents prepared in connection with a legal action).
- 8.2.2 The Trust are also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the schools themselves for the purposes of the education, training or employment of any individual.
- 8.2.3 The “right to be forgotten” is subject to exceptions. The Trust will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your personal data (or your child’s): e.g. a legal requirement, or where it falls within a legitimate interest identified in the Privacy Notice. All such requests will be considered on their own merits.

8.3 Pupil requests

- 8.3.1 Pupils can make subject access requests for their own personal data for their own personal data, provided that, in the reasonable opinion of the school, they have sufficient maturity to understand the request they are making (see section “Whose rights?”). A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.
- 8.3.2 While a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child’s: for older pupils, the parent making the request may need to evidence their child’s authority for the specific request. This will be decided on a case-by-case basis.

8.4 Parental requests

8.4.1 It should be understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving and having access to information about pupils without their consent. The Trust or the schools within in it, may consider there are lawful grounds for sharing the information with or without the consent of that pupil.

8.4.2 Parents will in general receive educational and behavioural updates about their children. Where parents are separated, the school will in most cases, aim to provide the same information to each person who has parental responsibility. In doing so, the school may need to factor in all circumstances including the express wishes of the child.

8.4.3 All information requests for data concerning pupils, or on behalf of pupils, will be considered on a case-by-case basis.

8.5 Consent

8.5.1 Where the school is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to consideration of the child's age). An example of where the Trust relies on consent to process personal data is the use of pupil images. Please be aware, the Trust may not be relying on consent to process personal data. They may have another lawful reason to process the personal data in question without consent.

8.5.2 The reason will usually have been outlined under this Privacy Notice, or may exist as a result of a contract or agreement with the individual (e.g. employment contract).

8.6 Whose rights?

8.6.1 The rights under data protection legislation belong to the individual to whom the data relates. However, the Trust will often rely on parental authority or notice for the necessary ways it processes personal data belonging to pupils.

8.6.2 Where consent is required, it may be appropriate in some circumstances (given the nature of the processing in question, along with the pupil's age and level of understanding) to seek the pupil's consent. Parents should be aware that in these circumstances, they may not be consulted. This will depend on the best interests of the pupil, the parents' rights at law, and all other relevant circumstances.

9. How long we keep personal data for

9.1 The Trust will retain personal data where there is a legitimate and lawful reason to do so, and only for how long it is necessary. This is in line with our Data Retention Policy and information about this is available on request.

9.2 Pupil and files will be kept for no longer than 7 years following the departure from the Trust. However, safeguarding files and incident reports will need to be kept for a longer period in accordance with specific legal requirements.

9.3 If you have a specific request about how our Data Retention Policy is applied, or a request that personal data belonging to you or your child is no longer held by us and require it to be erased, please contact the Data Protection Officer for the Trust (contact details below). Please keep in mind that the Trust will often have lawful and necessary reasons to keep personal data even following a request for erasure. This will be decided on a case-by-case basis.

10. This Notice

10.1 The Trust reserves the right to update this Notice at any time. The current version of our Privacy Notice will always be on our website.

11. Queries and Complaints

11.1 If an individual believes the Trust has not complied with this Notice or acted in a way that is not in accordance with data protection legislation and the GDPR, the Trust complaints procedure should be utilised. This can be done by contacting the Trust Data Protection Officer by email: lcase@educ.somerset.gov.uk, or by letter: Bridgwater College Academy, Parkway, Bridgwater, TA6 4QY.