

Freemantles School is committed to protecting the privacy and security of personal information. This privacy notice describes how we collect and use personal information about pupils referred to Autism Outreach for Schools, in accordance with the General Data Protection Regulation (UK GDPR), section 537A of the Education Act 1996 and section 83 of the Children Act 1989.

Following Brexit, Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relate to general personal data processing, powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

This notice applies to all pupils and parents accessing Autism Outreach for Schools.

### **Who Collects This Information**

Freemantles School is a "data controller." This means that we are responsible for deciding how we hold and use personal information about pupils.

This notice does not form part of any contract to provide services and we may update this notice at any time.

It is important that you read this notice with any other policies mentioned within this privacy notice, so that you are aware of how and why we are processing your information, what your rights are under data protection legislation and the procedures we take to protect your personal data.

### **Data Protection Principles**

We will comply with the data protection principles when gathering and using personal information, as set out in our data protection policy.

### **The Categories of Pupil Information That We Collect, Process, Hold and Share**

We may collect, store and use the following categories of personal information about you:

- Personal information such as name, pupil number, date of birth, gender and contact information;
- Parent names and contact information
- Attendance details (percentage attendance)
- Performance and assessment information;
- Behavioural information (including exclusions);
- Special educational needs information;
- Relevant medical information;

## **Collecting This Information**

Whilst the majority of information you provide to us is compulsory for referral to the service, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

## **How We Use Your Personal Information**

We hold pupil data and use it for: -

- Pupil selection (and to confirm the identity of referred pupils and their parents);
- Providing education services and monitoring pupils' progress and educational needs;
- To carry out statistical analysis for diversity purposes;
- Enabling relevant authorities to monitor the service's performance
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

## **The Lawful Basis on Which We Use This Information**

We will only use your information when the law allows us to. Most commonly, we will use your information in the following circumstances: -

- Consent: the individual has given clear consent to process their personal data for a specific purpose;
- Contract: the processing is necessary for a contract with the individual;
- Legal obligation: the processing is necessary to comply with the law (not including contractual obligations);
- Vital interests: the processing is necessary to protect someone's life.
- Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law; and
- The Education Act 1996: for Departmental Censuses 3 times a year. More information can be found at: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

We need all the categories of information in the list above primarily to allow us to comply with legal obligations. Please note that we may process information without knowledge or consent, where this is required or permitted by law.

## **Sharing Data**

We may need to share your data with third parties where it is necessary. There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared unless it's the only way we can make sure you stay safe and healthy or we are legally required to do so.

We share pupil information with: -

- The Local Authority.

- Other professionals who are involved in coordinating support for pupils, such as Educational Psychologists, Speech and Language Therapists, Specialist Teachers for Inclusive Practice

Information will be provided to those agencies securely or anonymised where possible.

The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

### **Why We Share This Information**

We do not share information about our pupils with anyone without consent unless otherwise required by law.

### **How we use particularly sensitive personal information**

Special categories of particularly sensitive personal information, such as information about your health, racial or ethnic origin, sexual orientation, or biometrics require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations in line with our data protection policy.
- Where it is needed in the public interest, such as for equal opportunities monitoring.
- Where it is necessary to protect you or another person from harm.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

### **Retention Periods**

Except as otherwise permitted or required by applicable law or regulation, the school only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes. Information about how we retain information can be found in our Data Retention policy available on our website.

### **Automated Decision Making**

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision making in limited circumstances.

Pupils will not be subject to automated decision-making, unless we have a lawful basis for doing so and we have notified you.

### **Security**

The School keep information about pupils on computer systems and on paper.

We have put in place measures to protect the security of your information (i.e. against it being accidentally lost, used or accessed in an unauthorised way).

### **Requesting Access to Your Personal Data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, , contact the school's Data Protection Officer (see contact section below).

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 purposes of direct marketing;
- Object to decisions being taken by automated means;
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- Claim compensation for damages caused by a breach of the data protection regulations.

If you want to exercise any of the above rights, please contact the school's Data Protection Officer in writing.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **Right to Withdraw Consent**

In circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Head of Autism Outreach for Schools.. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **Contact**

If you would like to discuss anything within this privacy notice or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with the Head of Autism Outreach for Schools.in the first instance.

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolve by the Head of Autism Outreach for Schools., then you can contact the DPO on the details below: -

Data Protection Officer Name: Judicium Consulting Ltd

Data Protection Officer Details: Judicium Consulting Ltd, 72 Cannon Street, London, EC4N 6AE

Data Protection Officer Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues at <https://ico.org.uk/concerns>.

### **Changes to This Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

Updated: July 2024