



Education Privacy Notice

This document provides information on how London Borough of Havering Education Services uses your child's personal information for educational purposes. By 'use' we mean the various ways it may be processed including storing and sharing the information.

We also provide further details regarding who we are, how long we use your information for, your rights under the GDPR and how to exercise them on our website. Alternatively, you can ask us for a copy of this information GDPR-dataprotection@onesource.gov.uk

Why we collect personal information

We may collect and process personal data about you in order to comply with any legal or statutory obligations, or in order to enforce or apply our contracts with you or where you have consented to the processing. This includes, but is not limited to, information you or your legal representative provide when:

- You/they contact us in person, on our website, over the telephone, by e-mail or by post
- You receive a service from us.

Purpose for Processing

We use your personal information primarily to provide suitable education for children and young persons.

This includes the need to:

- Secure sufficient school places across Havering;
- Secure sufficient early years and childcare places across Havering and the provision of information, advice and assistance to parents and prospective parents;
- Coordinate school admissions and determine admission applications and the allocation of places through the Fair Access Protocol, manage the transfer of pupils between schools during an academic year and organise school admission appeals;

- Monitor and improve school attendance and undertake, where necessary, prosecutions for non-school attendance, and monitor children missing from education when removed from the school roll;
- Coordinate Independent Review Panels for excluded pupils and ensure pupils who are permanently excluded from school are provided with a place to continue their learning as quickly as possible;
- Identify, assess and secure suitable provision for children with special educational needs and disabilities, including the issuing and reviewing of education, health and care plans, and the provision of advice to schools about specialist school placements for children;
- Assess the learning, social and emotional needs of Havering pupils and young people, including therapeutic work;
- Support pupils unable to attend school due to health needs;
- Monitor children who are being educated at home;
- Provide or arrange for the provision of school transport;
- Process free school meal and pupil premium eligibility;
- Monitor and support the educational attainment and progress of looked after children, including those who are adopted (from September 2018) or subject to a special guardianship order;
- Support the educational progress and engagement of pupils from the Gypsy, Roma and Traveller community, and pupils with English as an additional language;
- Ensure the provision of post 16 years education and training, youth support services and careers advice;
- Ensure the provision of accredited and non-accredited learning opportunities for adults aged 19+;
- Ensure the provision of residential and outdoor learning opportunities;
- Submit School Census returns to the Department for Education (DfE);
- Monitor young people from Year 9 to age 18 in education, training and employment and identify those young people who are at most risk of not receiving education or training or being in employment to ensure that they have sufficient support from the Council and from schools, colleges and training providers;
- Issue child employment and performance licences, chaperone licences, child entertainment licences and performance licences for groups of children;
- Keep track of spending on services and protect Council money, including through the prevention of fraud.

As part of our approach to safeguarding children and young people who are vulnerable to risk outside of the family context, the Council will also use information about children in Havering schools to:

- Identify children and families who may require support;
- Understand and meet the needs of children and families;
- Understand the difference we are making.

We also use this information to assess the quality of our services and evaluate and improve our policies and procedures. We may also use information in other ways compatible with the above. Primarily this will include supporting the work of other public bodies providing educational services to children. We provide more details of these services on our website.

You may not have to provide information to us for some of these services, but if you do not provide information we may not be able to, or it may inhibit our ability to, provide services to your child.

Automated Processing

Information relating to individual children and families may be matched with information from other organisations. In order to identify risk and vulnerability, we sometimes use automated methods when processing data. No decisions will be taken (for example to offer a service or intervention) based only on automated methods.

Personal Information we collect

The information we hold includes information you have provided to us. We also receive information from other public bodies and organisations providing educational services to you or your children, particularly schools, sixth form colleges, higher education colleges and other post-16 educational provider schools. The categories of data we may receive from other public bodies and organisations are described further below.

The information we collect and use includes the child's:

- Personal details – name, gender, age, address, school, and family details - including racial and ethnic origin and religious beliefs (see special categories of data below);
- Contact information – telephone number and email address;
- Name and contact details of person to be contacted in case of emergency;
- Personal identifiers – unique pupil number, National Insurance number, case management system references;
- Educational details – including attendance and exclusions; assessment information, public exam results, and special education needs information;
- Educational history including behaviour, visual images, personal appearance and behaviour;
- Health information including special educational needs and disabilities (see special categories of data below);
- Whether the young person aged 16 years and above is in education, training or employment;
- Financial details if relevant;
- Personal history including safeguarding reports, any criminal convictions (see special categories of data below) and employment history;
- Family history and social relationships generally;
- Licenses and permits.

Special Category data is defined as “information concerning your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union activity, genetic data, biometric data, health, sex life and sexual orientation”. We may only collect and use these types of data when it is relevant and such data will be collected as part of the case work records and information we hold. Information concerning

your child's physical and mental health including special educational needs, racial or ethnic origin, and religious or other beliefs will be relevant.

Information concerning any criminal convictions is afforded a similar special level of protection and we may collect and use this information where it is relevant, subject to the same safeguards.

What are the laws that govern the collection and use of this data

The legal bases for processing this personal information are:

- Contract for the supply of services
- Compliance with a legal obligation
- Tasks carried out in the public interest or in the exercise of official authority

For the purposes of equal opportunities, health and safety, and school admission criteria, the services also process some sensitive (special category) information, which may include but is not limited to:

- Physical or mental health details
- Racial or ethnic origin
- Religious or other beliefs
- Offences (including alleged offences), criminal proceedings, outcomes and sentences

The legal bases for processing this sensitive (special category) data are:

- Necessary for obligations under employment or social protection;
- Substantial public interest on basis of UK law;
- Substantial public interest for health

For ordinary personal information (that is, all your information which is not special category data) we have legal grounds to process this information because it is necessary to comply with a legal duty or fulfil a public task (see list of Statutory duties placed on local government).

This includes under the:

- Education (Information about Individual Pupils) (England) Regulations (2013)
- Education Act 1944, 1996, 2002 (Sections 11, 21, 157 and 175)
- Education and Adoption Act 2016
- Education and Inspections Act 2006
- Education and Skills Act 2008
- Childcare Act 2006
- Children Act 1989 and 2004
- Children and Families Act 2014
- Children and Young Persons Act 1933 and 1963 and Children (Performances and Activities) (England) Regulations 2014
- Children Leaving Care Act 2000 (Section 1)
- Special Education Needs and Disability Regulations 2014
- Young People's Act 2008
- Crime and Disorder Act 1998 (Sections 17, 37 and 115)
- Immigration and Asylum Act 1999
- National Health Service Act 2006 (Section 82)

- Digital Economy Act 2017 and Public Service Delivery, Fraud and Debt: Data Sharing Code of Practice
- Local Government Act 2000
- Localism Act 2011 (Section 1)

If we have consent to use your personal information, you have the right to remove it at any time. If you want to remove your consent, please contact GDPR-dataprotection@onesource.gov.uk and tell us which service you're using so we can deal with your request.

Who do we share your personal information with?

Within London Borough of Havering Council, Education and Learning will share information within the organisation to ensure we provide the best service for our families. We use a child case recording system across most of our services to ensure we use information efficiently and lawfully. Information is also shared with other teams within Children's Services for the purpose of safeguarding. Where we rely on your consent to share data, you will be told about this or asked to agree to this first, if we decide to share services with other organisations.

We may also share your information without asking you if:

- The law says we must;
- There is a risk of serious harm or threat to life;
- We are fulfilling a statutory duty and in order to do so, we need to share your personal information.

Outside of London Borough of Havering Council

Occasionally, we may need to share the personal information you have given to us or we've collected about you with partner organisations. These include but are not limited to:

- Awarding bodies – e.g. for ACL courses that lead to a qualification we will share some of your data to register you with the awarding body responsible for that qualification, such as OCR / Ascentis / Trinity College London;
- Childcare/Educational settings, e.g. nurseries, schools, colleges, universities;
- Commissioned social care services;
- Department of Education (DfE), including LRS
 - o The school census: to find out more about the data collection requirements placed on us by the DfE for the school census go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>
 - o The National Pupil Database (NPD): to find out more about the NPD visit the GOV.uk website
 - o In respect of children in need and looked after children to help the DfE develop national policies, manage local authority performance, administer and allocate funding and identify and encourage good practice. For more information about the data collection requirements placed on us by the DfE go to the looked after children or children in need pages on GOV.uk.
- Department for Work and Pensions (DWP)
- Education and Skills Funding Agency
- Emergency services, e.g. ambulance/medical staff

- Commissioned partners for the processing of educational visits
- Health Services, e.g. NHS and other health agencies
- HMRC
- Ofsted
- Police
- Prospects – commissioned partner for the Not in Education, Employment or Training service (NEET)
- SENDIAS (Special Educational Needs and Disabilities Information and Advice Support service)
- Transforming Care Partnerships
- HES traded legal services
- Youth Offending Team

Information will only ever be shared when it is strictly necessary to help us provide effective services and you may have the right to refuse. We do have specific data sharing agreements in place with local agencies and sometimes the law requires that we may have to pass your details on to a third party, for example, to prevent crime. We will not pass your personal information onto any other parties outside of those agreements unless required to do so by law or in all reasonable circumstances the disclosure is fair and warranted for the purposes of processing or subject to a legal data protection exemption.

We do not share or disclose any of your personal information without your consent, other than for the purposes specified in this notice or where there is a legal requirement. The Council uses third-parties to provide certain services and business functions, however all processors acting on our behalf only process your data in accordance with instructions from us and comply fully with this privacy notice, the data protection laws and any other appropriate confidentiality and security measures. We may disclose your information to third parties if we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply our contracts with you; or to protect our rights, or our safety and/or the safety of our service users, or others.

We may also disclose your information to our suppliers and contractors to provide information to you on our behalf and/or in order to fulfil our legal and statutory obligations.

We will share your personal information with suppliers of services in respect of any service you receive from us.

We will share your information with relevant government agencies where it is necessary, or we have a legal obligation to do so.

We do not sell your information to anyone else.

Your personal data is not transferred outside the EEA unless it is necessary and in compliance with the requirements of data protection law.

How long we keep your data

The Council only ever retains personal information for as long as is necessary and we have retention policies in place to meet these obligations. We are required under some laws or regulations to retain your personal data for a set period of time for example. Where there is nothing laid down by law we will make a business decision, taking into account the necessity of the processing in order to define the retention period.

Where you have consented to us using your details, we will keep such data until you notify us otherwise and/or withdraw your consent.

Transferring your information outside of Europe

On exceptional occasions we transfer data outside of the UK and Europe. The information which you provide to us may be transferred to countries outside the European Union ("EU"). By way of example, application support, the use of a hosted solution or a social care matter. If data is hosted or transferred we ensure that the Council is compliant with the data protection laws and that there is adequate and appropriate protection of the data.

Your rights

We provide further details regarding who we are, how long we use your information for, your rights under the GDPR and how to exercise them on our website.

Alternatively, you can ask us for a copy of this information at GDPR-dataprotection@onesource.gov.uk

To access your information you can make a 'Subject Access Request' by visiting our website at:

https://www.havering.gov.uk/info/20044/finance_pensions_and_data/139/data_protection/6

Additional information can be found on the ICO website.

Changes to our Privacy Notice

We regularly review our privacy notice and encourage you to check it from time to time. This notice was last updated in February 2024.