



## Privacy Notice (How we use children in need and children looked after information)

**FreshSteps Independent School is the Data Controller for the use of personal data in this privacy notice.**

### **The categories of personal information that we process include:**

- personal information (such as name, date of birth and address)
- characteristics (such as gender, ethnicity and disability)
- episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information)
- episodes of being looked after (such as important dates, information on placements)
- outcomes for looked after children (such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending)
- adoptions (such as dates of key court orders and decisions)
- care leavers (such as their activity and what type of accommodation they have)
- special educational needs information
- behavioural information
- relevant medical information

This list is not exhaustive, to access the current list of categories of information we process please contact [admin@freshstepsindependentschool.org.uk](mailto:admin@freshstepsindependentschool.org.uk)

### **Why we collect and use this information**

We use this personal data to:

- a) support these children and monitor their progress
- b) provide them with pastoral care
- c) assess the quality of our services
- d) evaluate and improve our policies on children's social care

Under the General Data Protection Regulation (GDPR), the legal bases we rely on for processing personal information are:

- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

In addition, concerning any special category data:

- processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
- processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
- processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;

## Collecting this information

We collect personal information via:

- Personal details forms at the start of the school year or placement
- Medical forms (including EHCPS)
- Secure file transfer or paperwork from local authority and / or previous settings
- Information from parents

Children in need and children looked after information is essential for the local authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

## Storing personal data

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please contact [admin@freshstepsindependentschool.org.uk](mailto:admin@freshstepsindependentschool.org.uk)

## Who we share this information with

We routinely share this information with:

- the Department for Education (DfE)
- schools
- local authorities
- youth support services (pupils aged 13+)
- NHS
- Support services

## Why we share this information

We do not share information about our children in need or children looked after with anyone without consent unless the law and our policies allow us to do so.

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

- schools
- local authorities
- researchers
- organisations who make products connected with promoting the education or wellbeing of children in England
- other government departments and agencies

Anyone who wants to use our data must comply with:

- strict confidentiality and security rules
- the Data Protection Act 2018
- the General Data Protection Regulations (GDPR)

When we collect data about an individual, it typically contains things like their:

- name
- address
- school or college name
- identifiers such as the unique learner number

Under data protection law, this is called personal data. Personal data includes data that, when combined with other reasonably available data, identifies an individual.

When sharing personal data there are 2 important issues that individuals are worried about, the:

- [risk of identification](#) - what's the potential for identifying individuals within the data
- [sensitivity of the data](#) – what's the impact on an individual if they're identified

We now classify all of data leaving us against 2 criteria:

- how sensitive the data item is
- the level of risk that an individual could be identified

This makes it easier for us to be transparent about:

- what kind of data we share with third parties
- our decision making

## The Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our children in need and children looked after with the Department for Education (DfE) for the purpose of those data collections, under **Children in Need (CIN) and Children Looked After (SSDA903)**:

We share children in need and children looked after data with the Department on a statutory basis, under Section 83 of 1989 Children's Act, Section 7 of the Young People's Act 2008 and also under section 3 of The Education (Information About Individual Pupils) (England) 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 'How Government uses your data' section.

## Requesting access to your personal data

Under data protection legislation, parents, carers and children have the right to request access to information about them that we hold. To make a request for your personal information contact the school office

Depending on the lawful basis above, you may 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 purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

## **Last updated**

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on February 2021

## **Contact**

If you would like to discuss anything in this privacy notice, please contact the school office:  
[admin@freshstepsindependentschool.org.uk](mailto:admin@freshstepsindependentschool.org.uk)

## How Government uses your data

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

- develop national policies
- manage local authority performance
- administer and allocate funding
- identify and encourage good practice

## Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education go to:

Children in need: <https://www.gov.uk/guidance/children-in-need-census>

Children looked after: <https://www.gov.uk/guidance/children-looked-after-return>

## 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 by the Department

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

- schools and 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're 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:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

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