

Breakthrough Transformation Trust

Pupil Information Privacy Notice: **How we use your information**

This privacy notice should be read alongside our **main privacy notice** on our website for full details about how we process personal data.

www.breakthroughtransformationtrust.org

This privacy notice was updated on 01/09/2021

Personal information we collect about pupils

We collect the following information about you:

Description	Examples
Personal identifiers	<i>Name, date of birth, contact details, unique pupil number, candidate or examination numbers</i>
Characteristics	<i>Ethnicity, language and religious beliefs</i>
Safeguarding information	<i>Court orders, professional involvement, observations and outcome.</i>
Travel	<i>College travel arrangements.</i>
Health information	<i>Medical such as doctor's information, child health, dental health, allergies, medication, disability, dietary and other relevant health information (such as COVID19) and special educational needs.</i>
Education	<i>Educational performance, attainments, achievements, test marks, exam grades.</i>
Attendance	<i>Sessions attended, number of absences, absence reasons and any previous schools/colleges attended.</i>
Behavioural information	<i>Exclusions and any relevant alternative provision put in place.</i>
Faith and beliefs	<i>Religious or other beliefs.</i>
Images	<i>CCTV, photographs or video recordings of you or your work (such as official college photographs, workspace activities, performances or events, college trips and fun days</i>
Consent	<i>Your consent preferences</i>

We need this information to:

- Assess your eligibility to attend our Trust and process your admission
- Support your learning and help you reach your educational goals
- Monitor and report on your progress, attainment, attendance and behaviour
- Help us build a picture of your educational, social and health needs
- Provide you with catering, ICT and learning resources
- Communicate with you regarding homework and other important college matters
- Keep you and other students safe (food allergies, emergency contacts, professional involvement)
- Assess your eligibility for funding, bursaries and grants
- Comply with our laws regarding data sharing
- Help crime prevention, detection and public safety
- Respond to complaints, grievances and discipline investigations
- Assess the quality of our services
- Meet our legal duties placed upon us by the Department for Education

Who we share information with

We share information with a range of organisations, companies and agencies, where it is necessary for us to carry out our legal responsibilities and duties as a Trust. We only share information about you where it is **strictly necessary** for us to do so, and the law and our policies allow us to do this. The following are examples of who we share information with:

<p>Local authority <i>School / College Admission & Safeguarding Teams</i></p>	<p>We have a legal requirement to share certain information about our students with our local authority, to ensure that they can carry out their statutory duties under the Schools Admission Code, including conducting Fair Access Panels.</p> <p>We may also be required to share child protection or safeguarding information with them, so we can carry out our statutory duties under section 11 of the Children's Act 2004 (duty to safeguard and promote the welfare of children) and to enable the local authority to carry out their duties under section 47 of the Children's Act 1989 (duty to investigate and take action to safeguard children).</p>
<p>Health partners <i>Educational psychologists, school nurses and health visitors</i></p>	<p>We sometimes share information about our students with health professionals, to help the pupil receive the necessary health, educational and pastoral support they need. This is usually shared with the parent's/carer's consent (and if appropriate student's consent) unless it is necessary for us to carry out our official duties or safeguard the welfare of the child.</p>

<p>Other schools</p>	<p>We are required to share a student's Common Transfer File and/or educational record with their next college / school when they leave us. We are also required to share a student's 'curricular record' with the student's intended school / college, upon request. We are required to share this data under The Education (Pupil Information) (England) Regulations 2005.</p> <p>If the college has a concern about the safety of a student, it has a duty to share relevant information with the next school / college, to safeguard that pupil or others.</p> <p>Our colleges comply with the HM Government '<i>Information Sharing Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers</i>' (July 2018), whenever it shares personal data. Further information about our information sharing practices can be found on our website.</p>
<p>Examination boards and moderators</p>	<p>We are required to share information about our students with examination boards and moderators, so they can enter those pupils into exams, make accessibility arrangements for them where required, mark their work and issue their grades,</p>
<p>Law enforcement</p>	<p>We may be required to share information about any person we hold information about, to the police or other law enforcement agencies, to assist them in an investigation or to prevent or detect a crime or safeguard individuals at risk.</p>
<p>Research projects</p>	<p>We may be invited from time to time to take part in important local or national research projects or initiatives, which are endorsed by the Department for Education. We will let you know if we need to share identifiable student data as part of these projects and you will be given the opportunity to opt out from your data or your child's data being used in this way.</p>
<p>Service providers</p>	<p>We use companies that provide us with a service to help us run effectively as a Trust. The services we often receive are IT support, professional advice (eg Human Resources), legal advice, online learning or teaching resources, communication services with parents, pupils, employees and Trustees and transport. To receive these services, we sometimes need to share personal information or use their products to store Trust data.</p>

Our legal basis

The main legal bases we rely on when we process your personal information are as follows:

It is necessary for us to perform a task which is in the public interest or to exercise our official duties
This broad legal basis is applicable to almost all the processing we do involving personal data.
It is necessary for compliance with a legal obligation
This is applicable where a specific law requires us to collect or share personal data (this usually involves pupil, employee or governor data). This will include sharing data with the Department for Education (DfE), Her Majesty's Revenue and Customs (HMRC) or HM Courts and Tribunal Service (e.g. following a court order).
The data subject has given their consent
<p>Consent is not required for most of the processing we do, however, there are occasions when we ask for consent. For example, if we want to publish photographs or videos of students; share data with other organisations or individuals where we are not legally required to share that data.</p> <p>Where we are processing your data with your consent, you have the right to withdraw that consent. If you change your mind, or if you are unhappy with our use of your personal data, please let us know by contacting the main office.</p>
The processing is necessary to protect the vital interests of the data subject or someone else
This is applicable where a person's life could be at risk and we need to share or make available information to help them. This could involve sharing serious allergy information with staff, paramedics or other medical professionals, or other information requested by the police or social services to assist them in their enquiries to protect that person.
The processing is necessary for our legitimate interests or the legitimate interests of a third party
This is applicable where the processing is not required by law but is of clear benefit to the Trust or the data subject; there is limited privacy impact on individuals and the individual reasonably expects us to use their data in this way. This legal basis is not relied upon where the Trust is processing the data to perform its official tasks.

When we process ‘**special category**’ data, we must have another legal basis as well. Special category data is personal data which reveals *a person’s racial or ethnic origin, political opinion, religious or philosophical beliefs, trade union membership, genetic data, biometric data (such as fingerprints), health, sex life or sexual orientation.*

The main legal bases we rely on when we process this type of data is as follows:

The data subject has given explicit consent
This is usually applicable where we ask for health, dietary information or biometric data (such as fingerprints).
The processing is necessary for performing any right or obligation which is imposed on the Trust in relation to employment, social security and social protection law (e.g. safeguarding individuals at risk; protection against unlawful acts; prevention against fraud)
This is usually applicable where we are performing our safeguarding duties to protect pupils.
It is necessary to protect the vital interests of any person where the data subject is physically or legally incapable of giving consent
This could be relied upon in situations where someone has become seriously ill on our premises and we are asked by medical practitioners (such as paramedics), to share information we know about that person’s health or allergies.
The processing is necessary for the establishment, exercise or defence of legal claims
We may share or use special category data where legal action is being considered or underway.
The processing is necessary in the substantial public interest
This may be relied upon in circumstances where our processing is necessary to safeguard children or others at risk or where we respond to requests from the Police or law enforcement bodies, to assist in an investigation to prevent or detect an unlawful act.

This list is not exhaustive.

How we protect your information

We take our security responsibilities seriously to protect your personal data from accidental or unlawful access, disclosure, loss, damage or destruction. For example:

- Access to our data is on a strict need to know basis
- Our electronic records are held on encrypted servers
- We have strict visitor management security procedures in place
- Our sensitive paper files are locked away with restricted access to the keys
- Our employees and Trustees are subject to Disclosure and Barring Service (DBS) checks and employee contracts contain confidentiality clauses
- We have policies, procedures and training around data protection, security, record disposal and confidentiality. Our Data Protection Policy is available on our website
- We use encrypted email or secure file sharing platforms to share personal data with external organisations
- We carry out due diligence checks on our service providers and Data Protection Impact Assessments, where required.
- We use up to date virus and malware protection software; security patches are applied promptly, and we back up our data regularly.

Storing personal data

The personal information we collect and store is essential for our Trust's operational use. We only keep personal information for as long as we need to, and where it is necessary to comply with any legal, contractual, accounting or reporting obligations. After this period, we delete or securely destroy personally identifiable data.

For more information about how long we keep personal data for see our Record Retention Schedule on our website

Your data protection rights

You have the following rights under the data protection laws:

The right to:

- Be told how your personal data is being processed (see our privacy notices).
- Request access to your personal data.
- Rectify personal data held about you which is inaccurate or incomplete.
- Have your data erased in certain circumstances.
- Restrict the processing of your information in certain circumstances.
- Object to your information being used for public interest or direct marketing purposes.
- Ask that your personal data is transferred from one organisation to another or given to you, in certain circumstances.
- Not be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you.
- Complain if you are not happy with the way your data has been handled, and to escalate this to the Information Commissioner if you remain dissatisfied.

To exercise these rights, please contact us by emailing info@tborg.org You are not usually required to pay a fee and can expect to receive a response within one calendar month. Further information about your data protection rights can be found on the Information Commissioner's Office website at www.ico.org.uk

Feedback and complaints

We work to high standards when it comes to processing your personal information. We hope you will always be happy with the way we handle your information, however if we have not met your expectations, please let us know so we can put things right.

To do this, please email the Trust at info@tborg.org If you would like to make a formal complaint, our complaints procedure is available on our website.

Data Protection Officer

Our Data Protection Officer (DPO) is Amber Badley, an external consultant appointed under a service contract. If you have any queries about this privacy notice or any matter relating to the handling of your personal data, you can contact our DPO directly at DPO@firebirdltd.co.uk or by writing to the Trust at info@tborg.org

Contact Us

Address: Head Office, Cannamore Farm, Avonwick, South Brent, TQ10 9HA

Email: info@tborg.org

Telephone: 01656 911 456

Changes to this privacy notice

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 **1st September 2021**.