



# John Milton Academy Trust



## Privacy notice for parents and carers – use of your child’s personal data

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John Milton Academy Trust

Registered Office: JMAT Centre · Church Road · Stowupland · Stowmarket · Suffolk · IP14 4BQ  
Tel: 01449 742422 email: [enquiries@johnmiltonacademytrust.co.uk](mailto:enquiries@johnmiltonacademytrust.co.uk)

Company Number: 10298832  
website: [www.johnmiltonacademytrust.co.uk](http://www.johnmiltonacademytrust.co.uk)

## 1. Introduction

Under data protection law, individuals have a right to be informed about how our Trust uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **pupils at our school**.

This privacy notice applies while we believe your child is not capable of understanding and exercising their own data protection rights.

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), you should instead refer to our privacy notice for pupils to see what rights they have over their own personal data. This can be found on the school or Trust website.

Our trust, John Milton Academy Trust, JMAT Centre, Church Road, Stowupland, Suffolk, IP14 4BQ is the 'data controller' for the purposes of data protection law.

Our data protection officer is Schools' Choice (please see 'Contact Us' on page 7).

## 2. The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about your child includes, but is not restricted to:

- Personal identifiers and contact details (such as name, unique pupil number, address and contact details of parents/carers)
- Characteristics (such as ethnicity and language)
- Safeguarding information (such as court orders and professional involvement)
- Special Educational Needs (including the needs and ranking)
- Medical and administration (such as doctors' information, child health, dental health, allergies, medication and dietary requirements)
- Attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- Assessment and attainment (such as test results)
- Behavioural information (such as exclusions and any relevant alternative provision put in place)
- Information about free school meal and pupil premium eligibility
- Information for catering management purposes (e.g. whether you have school dinners and how often)
- Information about biometric recognition systems (such as cashless catering)

We may also collect, use, store and share (when appropriate) information about your child that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

- Any medical conditions we need to be aware of, including physical and mental health
- Photographs and CCTV images captured in school
- Characteristics, such as ethnic background, religious belief or special educational needs

We may also hold data about your child that we have received from other organisations, including other schools and social services.

### 3. Why we use this data

We use the data listed above to:

- a) Support pupil learning
- b) Monitor and report on pupil progress
- c) Provide appropriate pastoral care
- d) Protect pupil welfare
- e) Assess the quality of our services
- f) Administer admissions waiting lists
- g) Carry out research
- h) Comply with the law regarding data sharing

#### 3.1 Use of your child's personal data for marketing purposes

Where you have given us consent to do so, we may send your child marketing information by email or text promoting school events, campaigns, charitable causes or services that may be of interest to them.

You can withdraw consent or 'opt out' of receiving these emails and/or texts at any time by clicking on the 'Unsubscribe' link at the bottom of any such communication, or by contacting us (see 'Contact us' below).

#### 3.2 Use of your child's personal data in automated decision making and profiling

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

### 4. Our lawful basis for using this data

Our lawful bases for processing your child's personal data for the purposes listed in section 3 above are as follows:

- for purposes a), b), d) and e) from section 3 above – in accordance with the 'public task' basis - collecting the data is necessary to perform tasks that we are required to perform as part of our statutory function
- for purpose c) and d) from section 3 above – in accordance with the 'vital interests' basis – we will use this personal data to keep children safe
- for purpose g) from section 3 above - the legal basis of 'consent' basis - the data subject has given consent to the processing of their personal data for one or more specific purposes
- for purpose f) and h) from section 3 above – in accordance with the 'legal obligation' basis – we need to process data to meet our legal responsibilities under law as set out here:
  - Section 537A of the Education Act 1996 or the Education Act 1996 s29(3)
  - The Education (School Performance Information) (England) Regulations 2007
  - Regulations 5 and 8 School Information (England) Regulations 2008
  - The Education (Pupil Registration) (England) (Amendment) Regulations 2013
  - The Schools Admissions Code

Where you have provided us with consent to use your child's data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you would go about withdrawing consent if you wish to do so.

## 4.1 Our basis for using special category data

For 'special category' data, we only collect and use it when we have both a lawful basis, as set out above, and one of the following conditions for processing as set out in data protection law:

- We have obtained your explicit consent to use your child's personal data in a certain way
- We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for the establishment, exercise or defence of legal claims
- We need to process it for reasons of substantial public interest as defined in legislation
- We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in data protection law. Conditions include:

- We have obtained your consent to use it in a specific way
- We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- The data concerned has already been made manifestly public by you
- We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- We need to process it for reasons of substantial public interest as defined in legislation

## 5. Collecting this data

While the majority of information we collect about your child is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Most of the data we hold about your child will come from you, but we may also hold data about your child from:

- Local authorities
- Government departments or agencies
- Police forces, courts, tribunals
- A previous school or education provider

## 6. How we store this data

We keep personal information about your child while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary. Our record retention schedule sets out how long we keep information about pupils.

A copy of our record retention schedule is available from the school or on the Trust website:

[www.johnmiltonacademytrust.co.uk](http://www.johnmiltonacademytrust.co.uk)

We have put in place appropriate security measures to prevent your child's personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of your child's personal data securely when we no longer need it.

## 7. Who we share data with

We do not share information about your child with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law), we may share personal information about your child with:

- A new school if your child moves schools
- Our local authority Suffolk County Council – to meet our legal obligations to share certain information with it, such as safeguarding concerns and information about exclusions
- Government departments or agencies
- Our youth support services provider
- Our regulator, Ofsted
- Suppliers and service providers e.g. catering
- Financial organisations
- Our auditors
- Survey and research organisations
- Health authorities
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants
- Charities and voluntary organisations
- Police forces, courts, tribunals

### National Pupil Database

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census and early years census.

Some of this information is then stored in the [National Pupil Database](#) (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with third parties, such as other organisations which promote children’s education or wellbeing in England. These third parties must agree to strict terms and conditions about how they will use the data.

For more information, see the Department’s webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) with any further questions about the NPD.

## 7.1 Transferring data internationally

We may share personal information about your child with the following international third parties outside of the European Economic Area, where different data protection legislation applies:

Where we transfer your child’s personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

In cases where we have to set up safeguarding arrangements to complete this transfer, you can get a copy of these arrangements by contacting us.

## 8. Your rights

### 8.1 How to access personal information that we hold about your child

You have a right to make a ‘subject access request’ to gain access to personal information that we hold about your child.

If you make a subject access request, and if we do hold information about your child, we will (subject to any exemptions that apply):

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your child’s personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact us (see ‘Contact us’ on page 7).

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), we will need to obtain consent from your child for you to make a subject access request on their behalf.

### 8.2 Your right to access your child’s educational record

As an academy there is no automatic parental right of access to your child’s educational record. However, the Trust has agreed that parents, or those with parental responsibility, can access their child’s educational record (which includes most information about a pupil). This right applies as long as the pupil is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

To make a request, please contact the school.

### 8.3 Your other rights regarding your child's data

Under data protection law, you have certain rights regarding how your child's personal data is used and kept safe. For example, you have the right to:

- Object to our use of your child's personal data
- Prevent your child's data being used to send direct marketing
- Object to and challenge the use of your child's personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected
- In certain circumstances, have the personal data we hold about your child deleted or destroyed, or restrict its processing
- In certain circumstances, be notified of a data breach
- Make a complaint to the Information Commissioner's Office
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact us (see 'Contact us' below).

Once your child is able to understand their rights over their own data (generally considered to be age 12, but this has to be considered on a case-by-case basis), we will need to obtain consent from your child for you to make these requests on their behalf.

## 9. Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/make-a-complaint/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## 10. Contact us

Our data protection officer is: Schools' Choice, [data.protection@schoolschoice.org](mailto:data.protection@schoolschoice.org)

However, our **data protection leads** have day-to-day responsibility for data protection issues in our Trust and schools.

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact them:

- Bacton Primary School – Mrs Simonds on: [admin@bacton-pri.suffolk.sch.uk](mailto:admin@bacton-pri.suffolk.sch.uk)
- Cedars Park Primary School – Mrs Knights on: [admin@cedarspark.suffolk.sch.uk](mailto:admin@cedarspark.suffolk.sch.uk)
- Mendlesham Primary School – Mrs Cracknell on: [admin@mendleshamschool.org.uk](mailto:admin@mendleshamschool.org.uk)
- Stowupland High School – Mr Dick on: [enquiries@stowuplandhighschool.co.uk](mailto:enquiries@stowuplandhighschool.co.uk)
- JMAT – Mrs Hooper on: [enquiries@johnmiltonacademytrust.co.uk](mailto:enquiries@johnmiltonacademytrust.co.uk)

All policies and procedures are available from John Milton Academy Trust (JMAT) School Offices, along with the JMAT Privacy Notices and Record Retention Policy, which provide specific details in accordance with the GDPR principles.