

Policy for

Data Sharing Policy (2019)



Date of policy:

August 2019

Next review:

August 2021
(Review Period 2 Years)

Committee:

Full Governing Body

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Appendix 1: Table of collections

1. Parties to this agreement

Organisations Name	St Modwen's Catholic Primary School
Address	Tutbury Rd Burton-upon-Trent Staffordshire DE13 0AJ
Lead Contact	Carol Salt
Contact Details	01283 247560
Source/Recipient?	Both

Date of Agreement	July 2019
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2. Specific purpose for which the data sharing is required

St.Modwen’s Catholic Primary School is committed to providing a great start and an outstanding education for all our children. This agreement supports this ambition by enabling the effective and necessary sharing of information with partner organisations that assist us to achieve our commitments. Good information sharing is necessary for promoting the wellbeing of children and young people and to ensure that statutory responsibilities to safeguard and promote the welfare of children are fulfilled.

Sharing information helps mitigate risks to vulnerable children and young people. Appropriate and timely sharing aids the effective identification of need and facilitates integrated responses to the address these needs. This is relevant to individual cases and in terms of how we respond as a school to shared challenges.

Pupils’ best interests are at the heart of our partnership efforts. The administrative effort will be a consideration in all requests and we will continue, especially around the use of secure technology, to minimise the effort needed to share information.

The purpose of this information sharing agreement is to enable St.Modwen’s Catholic Primary School to fulfil its statutory duties for all children. Paramount amongst these duties is the need to meet the school’s safeguarding requirements, and to enhance the ability of partner organisations to support the learning and welfare of children and young people through the exchange of data and use of information where there is a statutory requirement to do so. There is statutory duty on St.Modwen’s Catholic Primary School to promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child’s educational potential.

Sharing information between St.Modwen’s Catholic Primary School and partner organisations will:

- Enable St.Modwen’s Catholic Primary School to carry out and conduct its’ statutory and core services for all children in school.
- Improve the outcomes for all children, especially the vulnerable
- Promote the welfare of the child and family and to safeguard the most vulnerable through the timely identification of need and targeting of integrated support.
- Continue to provide high quality services to children, including high quality education provision
- Provide complete key stage outcome data for comparison purposes
- Reduce administrative burden on the school avoiding duplication whilst ensuring our systems are accurate and up to date
- Assist in the improvement, where necessary, of the quality of data held by the school
- Information will be managed in line with St.Modwen’s Catholic Primary School’s policy and guidelines on the safe and secure management and use of information.

3. Type and status of data shared

Is the data ‘person identifiable’?	Yes
Has explicit consent been given and recorded?	No
Has implied consent been recorded?	No
Is the subject aware that sharing will take place?	Yes
Is the data anonymised?	No

4. Legal basis for sharing where no consent is given

Under the General Data Protection Regulation (GDPR) the parties to the agreement are defined as data controllers and therefore must comply fully with the GDPR and must be registered with the Information Commissioner.

4.1 General Data Protection Regulation (GDPR)

Under the GDPR Personal Data may be shared without a Data Subject's consent where one of the following lawful processing conditions set out in Article 6(1) is met

- 6(1)(a) – Consent of the data subject
- 6(1)(b) – Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract
- 6(1)(c) – Processing is necessary for compliance with a legal obligation
- 6(1)(d) – Processing is necessary to protect the vital interests of a data subject or another person
- 6(1)(e) – 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

The GDPR refers to sensitive personal data as special categories of data and the conditions for special categories of data are set out in Article 9(2)

4.2 Conditions for special categories of data

- 9(2)(a) – Explicit consent of the data subject, unless reliance on consent is prohibited by EU or Member State law
- 9(2)(b) – Processing is necessary for carrying out obligations under employment, social security or social protection law, or a collective agreement
- 9(2)(c) – Processing is necessary to protect the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent
- 9(2)(d) – Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without consent
- 9(2)(e) – Processing relates to personal data manifestly made public by the data subject
- 9(2)(f) – Processing is necessary for the establishment, exercise or defense of legal claims or where courts are acting in their judicial capacity
- 9(2)(g) – Processing is necessary for reasons of substantial public interest on the basis of Union or Member State law which is proportionate to the aim pursued and which contains appropriate safeguards
- 9(2)(h) – Processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of Union or Member State law or a contract with a health professional
- 9(2)(i) – Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of healthcare and of medicinal products or medical devices
- 9(2)(j) – Processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with Article 89(1)

In addition the sharing can be justified for the following purposes in accordance with the following legal gateways:

4.2.1. Section 10 of the Children Act 2004

This requires Children’s Service Authorities and their relevant partners to cooperate in order to improve the well-being of children and young people in relation to the following:

- physical and mental health and emotional well-being
- protection from harm and neglect
- education, training and recreation
- the contribution made by them to society
- social and economic well-being

4.2.2. Section 11 of the Children Act 2004

Duty on key persons and bodies to make arrangements to ensure their functions are discharged with regard to the need to safeguard and promote the welfare of children.

4.2.3. Section 47 Children Act 1989

Section 47 places a duty on local authorities to make enquiries where they have reasonable cause to suspect that a child in their area may be at risk of suffering significant harm. Local authorities shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare.

4.2.4. Section 17 Children Act 1989

Local authorities have duties to safeguard and promote the welfare of children within their area who are in need and so far as is consistent with that duty, to promote the upbringing of such children by their families by providing a range and level of services appropriate to those children's needs.

4.2.5. Working together to safeguard children 2018

This statutory guidance sets out how inter-agency organisations and individuals should work together to safeguard and promote the welfare of children.

St.Modwen’s Catholic Primary School may from time to time share information with third party organisations where there is an appropriate legal gateway or a statutory requirement to do so.

5. Data Items shared (Data Sharing map)

Service User Data	Information Required
Core Learner Data	Basic details on the children at St.Modwen’s Catholic Primary School
Attendance including exclusions and alternative provision	To support safeguarding, we know where our children are, and to help ensure all children are getting their full learning entitlement. Will provide a basis for more targeted work around attendance at various levels.
Children looked after	Sharing pupil details with the corporate parent to ensure looked after children are in appropriate education and attending and then are making good progress in their learning
Statutory	To submit returns to the DfE e.g. school census, end of key stage tests/assessments, school workforce census

A more detailed breakdown of the data that is collected from schools is included in Appendix 1.

6. Data Transfer Method

St.Modwen’s Catholic Primary School is responsible for ensuring that appropriate security and confidentiality procedures are in place to protect the transfer, storage and use of the shared, person identifiable data.

St.Modwen’s Catholic Primary School will make sure that personal data shall be processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage using appropriate technical or organisational measures in accordance with Article 5(1)(f) of the GDPR. St.Modwen’s Catholic Primary School will make sure procedures are in place to prevent:

- Accidental compromise or damage during storage, handling, use, processing, transmission or transport;
- Deliberate compromise or opportunist attack;
- Unauthorised disposal or destruction of the data;
- Unauthorised access;
- Accidental loss of personal data should be avoided through the implementation of appropriate security procedures.

Encryption secure emails are in place and used by staff when transferring data that could identify and individual and all statutory data files sent to statutory bodies are transferred using the secure government collection portal. Staff laptops are password protected and all paper copies of pupil data are kept locked with restricted access. If any paper files are removed from site these are signed in and out by authorised personal.

7. Audit and Review

Year 1 (2018/19) A Termly review of the progress made by St Modwen’s Catholic Primary School will be carried out by the DPO to support and ensure compliance with GDPR. Subsequent years (2019 onwards) - An annual internal review will be carried out annually by the DPO. Governing Body members may also request that external audit schedules are also put into place.

Organisations Name	John Walker Solicitor
Address	14 Forsells End Houghton on the Hill Leicester LE7 9HQ
Lead Contact	John Walker john@jawalker.co.uk
Contact number	0333 772 9763 or 07736669961
Review Date	May 2019

8. Subject Access Requests

Subject Access Requests Will Be Directed To	The Information Security Officer – St.Modwen’s Catholic Primary School. office@st-modwens.staffs.sch.uk
Special Arrangements For Subject Access Requests	St.Modwen’s Catholic Primary School will answer any requests they receive and ensure all subject access requests are handled in line with GDPR.

Reference Data Protection Policy

9. Retention and Disposal

Retention Period For Data	20 years
Disposal Method For Data	Secure disposal - Electronic Database Management

Reference Document and Data Retention Policy

10. Privacy Impact Assessments

Only really needed where there is a high risk of data getting lost and for all new uses of personal data. As part of schools due diligence in preparing for GDPR we have assessed the use of personal data in school [Reference Data Sharing Policy Appendix 1](#). Privacy Impact Assessments will be completed by the school Information Security Officer and used as part of the schools Auditing Processes. [Reference Data Protection Policy Appendix 3 – Privacy Impact Assessment](#).

11.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.

To make a complaint, please contact our data protection officer.

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

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

12. Related Policies

Freedom of Information	August 2019 – Version 1.1
Data Protection Policy	August 2019 – Version 1.1
Document and Data Retention Policy	August 2019 – Version 1.1
Privacy Notice for Pupils and Parents	August 2019 – Version 1.1
Privacy Notices for School Workforce	August 2019 – Version 1.1
Safe use of Internet and E-Safety Policy	August 2019 – Version 2.1
School Workforce Acceptable use of ICT Policy	August 2019 – Version 1.1

Appendix 1: Table of collections (Data Map)

Data Required	Data detail	Statutory	Regularity
Core Learner Data	<p>Source School Information – School Number and Name</p> <p>Pupil Data – UPN, Forename & Surname, DOB o Gender, UPN</p> <p>Pupil Data - Basic Pupil Details - Preferred Names, NCY, Ethnicity & Ethnicity Source, FSM Eligible, Entry Date (Original Start Date), Medical, First Language</p> <p>Pupil Data - Looked After Child - In Care Indicators, Care Authority (Identifies which LA has pupil registered in care)</p> <p>Pupil Data - Address - Current Address Information</p> <p>School Information - School Name, Entry date (Most current), Last School Indictors (This indicates if pupil has left and returned), Enrol Status</p> <p>SEN - SEN Start Date, SEN Provision status, SEN Needs, SEN Type</p> <p>FSM - FSM Start Date, FSM End Date</p> <p>Safeguarding Level of Need – Level 2 – Level 4, identified as School Support/Early Help, Children in Need, Child Protection Plan, Children in Care</p> <p>Support Information - Service Child Indicator, Mode of Travel</p> <p>Attendance</p> <p>Exclusion Data - Category and Reason of exclusion, Start and End date, Emergency contact details</p> <p>Leavers Information- Leaving Date, Leaving Reason</p>	Yes	Weekly
Attendance	<p>Sessional attendance data</p> <p>Learner level data for off-site provision</p> <p>Elective home education referrals</p> <p>Children missing education referrals</p> <p>Children missing out (< 25 hours/ week)</p> <p>Exclusions – fixed and permanent</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Weekly</p> <p>Termly</p> <p>Event-driven</p> <p>Event-driven</p> <p>Termly</p> <p>Event-driven</p>
Children looked after	<p>The relevant LA as corporate parent require all information relating to the educational progress and outcomes of CLA.</p> <p>Attendance for CLA is collected from those out of authority CLA children.</p>	<p>Yes</p> <p>Yes</p>	<p>Termly</p> <p>Weekly</p>

Data Required	Data detail	Statutory	Regularity
Admissions	The details and outcome of every application, made directly to the school, including appeals outcomes, for Reception to Year 6 The on roll date of new starters	Yes	Weekly
		Yes	Weekly
SEN	Pupils at school Support	Yes	Annually
	Pupils with an EHCP	Yes	Annually
	Annual Review information	Yes	Within statutory timescales
Transport	Pupil name Pupil age Home address Distance from home to school and route Additional/Special needs/Education Health & Care Plans/Statements of Special Educational Needs Income status of family Entitlement under the Council's transport policies Mode of transport Routes Ticketing arrangements/authority to travel Control measures put in place to ensure a suitable travel arrangement i.e. Transport timings	Yes	Weekly
Statutory	Statutory data returns including: <ul style="list-style-type: none"> school census, end of key stage tests, assessments and examinations school workforce census 	Yes	Termly
		Yes	Annually
		Yes	Annually
Locally required	Provisional Foundation Stage. Year 1 Phonics, KS2 & KS2 examination results at an institution level	No	Annually
	Nominated data contact - Transfer of Pupil Progress data - Curriculum Pupil Data Applications	No	Event Driven
Accessing Extended Services i.e. After School/Breakfast Clubs	Pupil name Class Contact Details (Parents) Medical Needs SEND Needs (EHCP) ASC accessing	Safeguarding pupils	Event Driven

Data Required	Data detail	Statutory	Regularity
Parents paying for services on ParentPay	Pupil Name Class Service i.e. ASC or Dinner Money Input and process card payments to pay for services	No	Event Driven
Accident Reporting	Pupil Name Class Contact Details Accident details Accident report and investigation if required	Yes	Event Driven
Educational Trips/Activities	Pupil Name Class Contact Details Medical Needs EHCP/SEND Volunteer/Staff Details supporting trip Transport method Educational Trip Risk Assessment EVC and Head Approval	Health and Safety	Event Driven
Recruitment, Selection, HR	Staff Name Address History Contact Details (Phone – E-mail) Employment History Qualifications/Training Right to work in UK ID Checks DBS Checks Medical needs Contractual information Next of Kin Vehicle Information Absence Monitoring Holiday/Special Leave Requests Performance Reviews Risk Assessments Staff book and pay for school services ParentPay	Yes	Event Driven Annually