

## 1. Scope

This policy applies to all staff at Expanse Learning.

## 2. Aim

This document should be read in conjunction with the Data Protection and Privacy Notice Policy. Expanse Learning, the Local Authority (LA) and the Department for Education (DfE) all hold information on students. This is to run the education system, and in doing so, they have to follow the General Data Protection Regulations (2018) and relevant Data Protection Acts. This means, among other things that the data held about students must only be used for specific purposes allowed by law.

The purpose of this document is to tell you about the types of data held, why that data is held, and to whom it may be passed on. Expanse Learning holds information on students to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well Expanse Learning as a whole is doing.

## 3. Legal Basis for Sharing Information

It is increasingly recognised in practice that a failure to share information, even at the level of a “niggling concern”, may mean the children cannot access those services to which they are entitled.

In order to facilitate the exchange of information between us, the parties agree that each has taken steps to comply with the principal legislation concerning the protection and use of personal information e.g. the Data Protection Act, the Human Rights Act and the Caldicott Principles and the introduction of the General Data Protection Regulations (2018). All companies must have and must maintain their own registration under the Data Protection Act with the Information Commissioners Office.

Personal data can only be processed if it complies with one of 6 ‘lawful bases’ under data protection law. Most commonly, we will use your information in the following circumstances:

- **Consent:** the individual has given clear consent to process their personal data for a specific purpose;
- **Contract:** the processing is necessary for a contract with the individual;
- **Legal obligation:** the processing is necessary to comply with the law (not including contractual obligations);
- **Vital interests:** the processing is necessary to protect someone’s life;
- **Public task:** the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law;
- The Education Act 1996: for Departmental Censuses 3 times a year. More information can be found at: <https://www.gov.uk/education/data-collection-and-censuses-for-The-Schools>.

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018. If we offer online services to students, such as classroom apps (see saw etc), and we intend to rely on consent as a basis for processing, we will get parental consent where the student is under 13 (except for online counselling and preventive services). Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

## 4. Conditions for Sharing Information

We agree that we may share information with one another providing the following conditions are met:

- there is a legal basis for sharing information.
- that it is necessary to share information.
- that it is proportionate.

## 5. Security of Information

We will transmit or receive information by only those methods that are compliant with the Data Protection Act and GDPR (2018). We will ensure the secure storage of data received and when it has served its purpose it must be destroyed according to legal requirements.

## 6. Retention

We will ensure that all data obtained from any schools or colleges is only retained for as long as it is required to achieve the purposes for which it was initially provided. We will ensure, with schools' or colleges' help, that all data is relevant, accurate and up to date.

## 7. Organisations with which we share data

This information includes contact details, National Curriculum assessment results, attendance information, personal characteristics such as ethnic group, special educational needs and any relevant medical information. From time to time we are legally required to pass on some of this data to others. This includes the Local Authority, Healthcare and Primary Care Trusts (the NHS), to another provision to which the student is transferring the DfE, ESFA, Ofsted, Children and Family Services.

The **Local Authority** uses information about students to carry out specific functions for which it is responsible. For example, the assessing of any special educational needs the student may have. It also uses the information to gather statistics to make essential decisions on, for example, funding provision, and to assess the performance of a Group and set targets for them. It uses the statistics in such a way that individual students cannot be identified.

The **Education Skills Funding Agency (ESFA)** uses information about students for statistical purposes, to evaluate and develop education policy and to monitor the performance of the education service as a whole. On occasion, it may share information with other government departments or agencies strictly for statistical or research purposes only.

**Ofsted** uses information about the progress and performance of students to help inspectors evaluate the work of Group. To assist Expanse Learning in their self-evaluation and as part of Ofsted's assessment of the effectiveness of education initiatives and policy. Inspection reports do not identify individual students.

**Children and Family Services.** Where enquiries are made about a child protection / safeguarding issue, we have a legal duty to provide information.

The **DfE**, uses information about students for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. The DfE will feed back to LAs and Groups information about their students for a variety of purposes that will include data checking exercises, use in self-evaluation analyses and where information is missing because it was not passed on by a former school or college.

The DfE will also provide Ofsted with student level data for use in Group provision inspections. Where relevant, student information may also be shared with further education institutions to minimise the administrative burden on application for a course and to aid the preparation of learning plans. Student information may be matched with other data sources that the Department holds in order to model and monitor students' educational progression and to provide detailed information back to LAs and learning institutions to support their day to day business.

The DfE may also use contact details from these sources to obtain samples for statistical surveys - these surveys may be carried out by research agencies working under contract to the Department and participation in such surveys is usually voluntary. The Department may also match data from these sources to data obtained from statistical surveys. Student data may also be shared with other Government Departments and Agencies including the Office for National Statistics, for statistical or research purposes only. In all these cases the matching will require that individualised data is used in the processing operation, but that data will not be processed in such a way as to identify any individual in published results. This data sharing will be approved and controlled by the Department's Chief Statistician.

The DfE may also disclose individual student information to independent researchers into the educational achievements of students who have a legitimate need for it for their research, but each case will be determined on its merits and subject to the approval of the Department's Chief Statistician. Students, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them. Parents can use this right on their child's behalf if they are too young to do so themselves.

If your child wishes to access their personal data, or you wish to do so on their behalf, then please contact the relevant organisation in writing:

<p><b><u>Expansive Learning Group</u></b> Data Protection Officer <b>Karl Wane TBA</b> Expansive Learning Tyrrer Avenue Wigan WN3 5XE <a href="mailto:karl.wane@expansivegroup.co.uk">karl.wane@expansivegroup.co.uk</a></p>	<p><b><u>The Local Authority:</u></b>  <i>Please contact Expansive Learning and we will forward the relevant Local Authority details.</i></p>
<p><b><u>The Department for Education:</u></b> Data Protection Officer at DfE Ministerial and Publications division Communication Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD T: 0370 000 2288</p>	<p><b><u>Ofsted:</u></b> Data Protection Officer Piccadilly Gate Store Street Manchester M1 2WD <a href="mailto:enquires@ofsted.gov.uk">enquires@ofsted.gov.uk</a> T: 0300 123 1231</p>
<p><b><u>Education Skills Funding Agency (ESFA):</u></b> Data Protection Officer Piccadilly Gate Store Street Manchester M1 2WD T: 0370 000 2288</p>	

This policy should be read in conjunction with the Data Protection and Privacy Notice Policy. In order to fulfil their responsibilities under the Act the organisation may, before responding to this request, seek proof of the requestor's identity and any further information required to locate the information requested.

Separately from the Data Protection Act, The Education Act provide a student's parent, regardless of the age of the student with the right to view, or to have a copy of, their child's educational record at the school / college. If you wish to exercise this right, you should write to the School or college. Your child, as soon as they are old enough to understand, has rights about information held on them under the Data Protection Act. This will vary from one child to another and you will wish to consider the position for your child, but, as a broad guide, it is reckoned that most children will have a sufficient understanding by the age of 13. We would therefore encourage you to share this policy with your child if they are aged 13 or over.

## 8. Monitoring arrangements

This policy will be reviewed every 12 months but can be revised as needed.

**Impact of non-compliance for:**

<b>Staff:</b>	Disciplinary action
<b>Student:</b>	Not applicable
<b>Legislation/organisational:</b>	Reputational damage, litigation, statutory and non-regulated compliance. prosecution
<b>Compliance lead:</b>	Corporate Services (Corporate Services)
<b>Policy Reference:</b>	ELGR-ADM-003
<b>Version:</b>	4
<b>Agreed policy location:</b>	DatabridgeMIS and Company Website
<b>Does the policy require Governor approval?</b>	No

**Approval**

<b>Prepared by</b> Scott Roberts (Assoc. CIPD) 01/09/2020  Head of Corporate Services	<b>Approved by</b> Tony Brown 01/09/2020  CEO	<b>Counter Signatory</b> Richard King 10/09/2020  Director of Schools, Pre 16 Education
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**Version Control**

<b>Version</b>	<b>Date</b>	<b>Revision</b>	<b>Review Date</b>
1	23/05/2018	First Issue	22/05/2019
2	04/02/2019	Transferred to new policy template	22/05/2019
3	01/09/2019	Policy review and transferred onto 2019/20 policy template	31/08/2020
4	01/09/2020	Reviewed and updated	31/08/2021
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