**PRIVACY NOTICE FOR PARENTS/CARERS AT THE TUTORIAL FOUNDATION 2024**

The Tutorial Foundation is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you while your child is at this school, in accordance with the General Data Protection Regulation (GDPR).

It applies to parents/carers.

We are an independent special school. In addition, we offer offsite and private tuition and operate as an exam centre. We have appointed SchoolsDPO as our Data Protection Officer and they can be contacted via the school office or at [nicol](mailto:dpo@learningtrust.net)a@schoolsdpo.com.

The Tutorial Foundation is a ‘data controller’. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current parents/carers. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

**Data protection principles**

We will comply with data protection law. This says that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

**The type of information we hold about you**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are ‘special categories’ of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about you:

* Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
* Emergency contact information
* Information about your use of our information and communications systems

We may also collect, store and use the following ‘special categories’ of more sensitive personal information:

* Information about your ethnicity

**How is your personal information collected?**

We collect personal information about parents/carers through the admission process.

**How we will use information about you**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

1. Where we need to perform the contract we have entered into with you.
2. Where we need to comply with a legal obligation.

We may also use your personal information in the following situations:

1. Where we need to protect your interests (or someone else’s interests).
2. Where it is needed in the public interest or for official purposes
3. Where you have given your consent.

**Situations in which we will use your personal information**

We need all the categories of information in the previous list primarily to allow us to perform our contract with you, to enable us to comply with legal obligations and/or where it is needed in the public interest or for official purposes. The situations in which we will process your personal information are listed below. We have indicated by the purpose or purposes for which we are processing or will process your personal information, as well as indicating which categories of data are involved.

* Administering the contract we have entered into with you
* Making arrangements for the termination of our working relationship
* Education, training and development requirements
* Managing sickness absence for your child
* Complying with health and safety obligations
* To prevent fraud
* To maintain and promote equality

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

**If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our students) or we may be unable to discharge our obligations which may be in the public interest or for official purposes.

**Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

**How we use particularly sensitive personal information**

‘Special categories’ of particularly sensitive personal information require us to ensure higher levels of data protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations and in line with our data protection policy.
3. Where it is needed in the public interest, such as for equal opportunities monitoring

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

**Our obligations as a school**

We will use your particularly sensitive personal information in the following ways:

* We will use information relating to leaves of absence including the reasons for the leave, which may include sickness absence or family-related leave
* We will use information about your ethnic origin to ensure meaningful equal opportunity monitoring and reporting.

**Do we need your consent?**

We do not need your consent if we use your particularly sensitive information in accordance with our written policy where processing is necessary:

* to carry out our legal obligations or exercise specific rights in the field of employment law;
* for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
* for reasons of substantial public interest, and is authorised by domestic law (see section 10 of the 2018 Data Protection Act).

In other circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. If you have given consent for your personal information to be used for a particular purpose, you are free to change your mind and withdraw that consent at any time; at which point we will cease to use your data for that purpose.

**Information about criminal convictions**

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your child’s interest and you are not capable of giving your consent, or where you have already made the information public.

**Data sharing**

We may have to share your data with third parties, including third-party service providers and other organisations.

In particular, we may share your data with organisations including, but not limited to, the following:

* the Local Authority
* the Department for Education
* our IT Provider
* the Police or other law enforcement agencies
* our legal advisors

We require third parties to respect the security of your data and to treat it in accordance with the law. Some of the organisations referred to above are joint data controllers. This means we are all responsible to you for how we process your data.

We may transfer your personal information outside the UK.. If we do, you can expect a similar degree of protection in respect of your personal information.

**Why might we share your personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you, where it is needed in the public interest or for official purposes, or where we have your consent.

**Which third-party service providers process your personal information?**

‘Third parties’ includes third-party service providers (including contractors and designated agents). The following activities are carried out by third-party service providers: administration

**Department for Education**

We share some personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment.

**DfE data collection requirements**

The following is information provided by the DfE concerning the reason it collects data about school students/parents

* To find out more about the data collection requirements placed on us by the DfE including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The DfE may share information about parents/students with third parties who promote the education or well-being of children or the effective deployment of school staff by:

* conducting research or analysis;
* producing statistics; and / or
* providing information, advice or guidance

The DfE has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

* who is requesting the data;
* the purpose for which it is required;
* the level and sensitivity of data requested; and
* the arrangements in place to securely store and handle the data

To be granted access to school information, organisations must comply with the DfE’s strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the DfE’s data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

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

**How secure is your information with third-party service providers?**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

**What about other third parties?**

We may share your personal information with other third parties. We may also need to share your personal information with a regulator or to otherwise comply with the law.

From time to time, we may disclose your personal data in response to a request for information pursuant to the Freedom of Information Act 2000 or following a data Subject Access Request. We may approach you for your consent but, in any event, we will only disclose your personal data if we are satisfied that it is reasonable to do so in all the circumstances. This means that we may refuse to disclose some or all of your personal data following receipt of such a request.

**Data security**

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties who are processing personal data on our behalf will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

**Data retention**

**How long will we use or retain your information for?**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal or reporting requirements..

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a parent we will retain and securely destroy you and your child’s personal information in accordance with our data retention policy.

**Rights of access, correction, erasure, and restriction**

**Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

**Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

* **Request access** to your personal information (data Subject Access Request). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
* **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
* **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
* **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
* **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
* **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the Headteacher.

The legal timescales for us to respond to a Subject Access Request is one calendar month. As The Tutorial Foundation has limited staff resources outside of term time, we encourage staff to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible.

For further information about how we handle Subject Access Requests, please see our data protection policy and our Guidance for Staff on Subject Access Requests.

**No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

**What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

**Right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Administration Manager. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

**Data protection officer**

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the Headteacher or the DPO (nicola@schoolsdpo.com).

You have the right to raise any concerns you may have about our processing of your personal data at any time to the Information Commissioner’s Office (ICO), the UK supervisory authority for data protection issues.

You can contact the Information Commissioner's Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

**Changes to this privacy notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact the Administration Manager.

|  |
| --- |
|  |
|  |
| Policy Sign off and review |
| |  |  |  | | --- | --- | --- | |  | By whom | Date | | Policy signed off by | Julia Low | 04.12.23 | | Reviewed by | Julia Low | 30.9.24 | | Next Review By | Julia Low and Advisory Board | 30.9.24 | |