

## NCLT STUDENT/PUPIL PRIVACY NOTICE

**The New Collaborative Learning Trust vision is to create a culture of protecting privacy and personal data. Personal data is information which ‘relates to and identifies a living individual’. Personal data should be adequate, relevant and limited to what is necessary.**

### **Who does this notice apply to?**

This privacy notice applies to any students enrolled at any of the colleges or schools (sites) under the New Collaborative Learning Trust.

### **Data controller and collection**

The organisation responsible for looking after your personal data (Data Controller) is the New Collaborative Learning Trust. Student data for each site is can be held centrally at Trust Headquarters or on site.

### **Why do we collect and use pupil information?**

Students choose to enrol at each of our colleges, and sign a learner agreement. We use student data to:

- To support student learning,
- To monitor and report on student progression,
- To provide appropriate student support, care and guidance, and
- to assess the quality of our services.

In the majority of cases therefore the legal basis for processing is to fulfil the learner contract. We also have a legal obligation to process student data, for example to ensure we meet all statutory requirements of SEND, safeguarding and equality & diversity. We consider this processing is necessary for compliance with our legal obligation. It is our public duty to provide an education to post-16 students in our local area, and so processing is also considered necessary for the performance of a task carried out in the public interest or in the exercise of official authority.

In cases of processing medical information, and in addition to the above, we may also process information in order to protect the vital interests of students or of another person. In some cases we may need to process data through your consent or your explicit consent. Where this is the case the Trust will ensure that consent is opt-in, that clear and plain language is used, and we will notify you about your rights to withdraw consent.

We do not undertake any automated decision making.

### **Categories of student information**

We process your information in order to fulfil our duty to provide you with an education. Our legal basis for processing will therefore come under section 6(1)b Required for Contract, 6(1)c Legal Obligation and in information such as medical information and safeguarding related information will come under section 6(1)d which protects the vital interest of the subject. Information that we process includes:

- Personal information (such as name, unique learner number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility, family first)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Relevant medical information
- Any special educational needs information
- Safeguarding information
- Assessment information
- Intervention information
- Career aims
- Post-18 destination information

### Collecting student information

Information is mostly provided by the students themselves, some information is likely to be provided by their parents/cares. Information about students is also provided by their previous school or college, and in some cases information is provided through the Local Authority and other support services. Whilst the majority of student information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain student information to us or if you have a choice in this.

### Storing student data

We will store student data for no longer than necessary, in accordance with data protection legislation and best practice. In some circumstances data could be held longer if this is required for compliance with a legal obligation to which the data controller is subject. Student Data will be stored both in a paper form and electronically, for example in our student management system.

Retention of data includes the following:

- Personal information and characteristics Relationship + 6 years
- UCAS references Relationship + 6 years
- Assessment and attendance data Relationship + 6 years
- Special educational needs information Relationship + 6 years (or until the student is 25)
- Safeguarding information Relationship + 6 years (or until the student is 25)
- Post-18 Destinations information Relationship + 6 years
  
- Data shared with and held by The Office for Students (OfS) and HEAT (the platform for analysing data). Relationship + 20 years

### Who do we share student information with?

We routinely share student information with:

- The Department for Education (DfE),
- Education and Skills Funding Agency (ESFA),
- Joint Council for Qualifications (JCQ) and individual examination boards,
- The local authority where the student resides, including services contracted by the local authority in order for them to perform their statutory duty,
- The student's previous school,
- We share information with the 6 Dimensions Report, ALPS and Uni-Connect (otherwise known as *Go Higher West Yorkshire* for students attending at New College Pontefract and New College Bradford, and *HEPSY+* for students attending New College Doncaster) for monitoring student progression,
- Where necessary/appropriate we may need to share information with health related/safeguarding services, approved by the local authority,
- We have a separate legal duty to provide student details to law enforcement agencies in order to prevent or investigate a crime,
- We also share information with contracted services, such as
  - our catering providers,
  - financial service providers (for processing payments)
 in order to provide day-to-day services to students. In these instances, those organisations that provide a service in college become our data processor, and as such will be subject to a contract detailing their data protection obligations and responsibilities, and in some cases will also be bound by a data sharing agreement,
- NCLT colleges and schools are based in areas where there is traditionally low uptake to higher education. NCLT works closely in partnership with the University of Hull to help raise aspirations and encourage more young people to consider higher education options. Student data of those participating in activities under this partnership is analysed and is shared between NCLT, the University of Hull, The Office for Students (OfS) and HEAT (the platform for analysing data). For

more information, please see the HEAT privacy notice: <https://heat.ac.uk/data-privacy-participants/>.

- **Otherwise, before sharing information with a third party, we will either obtain your consent or establish that the sharing is necessary (which includes ensuring that the data shared is kept to a minimum), fair and otherwise within the law. We will not pass your information to third parties for direct marketing purposes.**

### **WINGFIELD ONLY**

#### **Youth support services - students aged 13+**

Once our students reach the age of 13, we also pass student information to our local authority and/or provider of youth support services as they have responsibilities in relation to the education of training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- Youth support services
- Careers advisers

A parent or guardian can request that **only** their child's name, address and data of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / student once he/she reaches the age 16.

#### **Youth support services - students aged 16+**

We will also share certain information about students aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- Post-16 educational and training providers
- Youth support services
- Careers advisers

For more information about services for young people, please visit our local authority website.

#### **The National Pupil Database (NPD)**

The NPD is owned and managed by the Department for Education and contains information about students in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our students to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Students) (England) Regulations 2013.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our students from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases 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 store and handle the data

To be granted access to student information, organisations must comply with 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 department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided student information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

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

### **Requesting access to your personal data**

Under data protection legislation students have the right to request access to information about them that we hold. To make a request for your personal information, please contact the Trust Data Protection Officer on 01977 702139.

You also have the right to:

- object to processing of personal data
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- request your information is transferred to another organisation
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### **Contact**

If you would like to discuss anything in this privacy notice, please contact the Trust Data Protection Officer by emailing [data.protection@nclt.ac.uk](mailto:data.protection@nclt.ac.uk), or by calling 01977 702139.