

## **Privacy Notice – How we use learner information**

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

We collect and use learner information under section 537A of the Education Act 1996, and section 83 of the Children Act 1989. We also comply with Article 6(1)(e) and Article 9(2)(b) of the General Data Protection Regulation (GDPR).

### **We use the learner data:**

- to support learner learning
- to monitor and report on learner progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to support you to decide what to do after you leave college

### **Categories of learner information that we collect, hold and share include:**

- Personal information (such as name, unique learner number and contact details)
- Characteristics (such as ethnicity, language, nationality, country of birth and free college meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- National curriculum assessment results
- Special educational needs information
- Relevant medical information
- National Insurance Number
- Photo ID

### **Collecting learner information**

Whilst the majority of learner 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 learner information to us or if you have a choice in this.

### **Storing learner information**

The Oaks keep information about you on computer systems and also sometimes on paper.

We retain your education records until you reach the age of 25, after which they are safely destroyed OR we hold your education records securely until you change college.

There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared unless it is the only way we can make sure you stay safe and healthy or we are legally required to do so.

### **Who do we share learner information with?**

We routinely share learner information with:

- colleges that the learners attend after leaving us
- our local authority (Kent County Council) and their commissioned providers of local authority services
- the Department for Education (DfE)

We may also share limited learner data with local colleges to enable the moderation of learner assessment outcomes and to support collaborative working through joint analysis.

### **Why we share learner information**

We do not share information about our learners with anyone without consent unless the law and our policies allow us to do so.

In order to meet statutory requirements around appropriate education provision, and to fulfil safeguarding requirements, we share information about college history, and the latest known learner and parent address and contact details in the event of a Child Missing Education, or becoming Electively Home Educated. This information also supports the in-year admissions process.

We share learners' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins college funding and educational attainment policy and monitoring.

To find out more about the data collection requirements placed on us by the DfE (for example; via the college ILR, Individual Learning Records) go to <https://www.gov.uk/education/data-collectionand-censuses-for-schools>

We are required to share information about our learners with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

### **Youth support services**

*We must provide both your and your parent's/s' name(s) and address, and any further information relevant to the support services' role; this will include telephone contact details.*

This enables the local authority to provide services as follows:

- youth support services
- careers advice and guidance

### **Our learners aged 16+**

We will also share certain information about learners 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.

KCC has a legal responsibility to track all young people up to the age of 19 (and young adults with learning difficulties or disabilities up to the age of 25). The purpose of collecting this information is

to assist the planning of education and training for young people and the support services they require. KCC will inform us of your current activity once you have left the college. This is in relation to education, training, employment with training you may be undertaking and whether you are NEET (not in Education, Employment or Training). Some of this information is then shared with the DfE who use the information to plan at a national level.

This enables them to provide services as follows:

- post-16 education and training provision
- youth support services
- careers advice and guidance

For more information about services for young people, please go to:

<http://www.kent.gov.uk/education-and-children/young-people> or the KCC website at [www.kent.gov.uk](http://www.kent.gov.uk)

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

The NPD is owned and managed by the Department for Education and contains information about pupils 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 pupils 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 Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

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

The department may share information about our pupils 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 pupil 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 pupil information, (and for which project), please visit the following website:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

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

Under data protection legislation, parents and learners have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact Ros Leach, Leader 19-25 LLDD.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at

<https://ico.org.uk/concerns/>

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

If you would like to discuss anything in this privacy notice, please contact:

Ros Leach, Leader 19-25 LLDD      [ros.leach@theoaks.ac.uk](mailto:ros.leach@theoaks.ac.uk)