

## Privacy Notice

### How we (Torbay Council) use children's information – Early Years Service

The categories of this information that we collect, process, hold and share include:

- personal information (such as name, DOB, unique pupil number and address)
- Parent or guardian personal details
- characteristics (such as ethnicity, language and EYPP and free school meal eligibility)
- assessment information (such as Early Years Foundation Stage and Key Stage)
- special educational needs information (Inclusion, EHCP, provider support)
- exclusions data (permanent and fixed exclusions)
- attendance information (hours attended, daily attendance marks etc)

### Why we collect and use this information

We use children and young person's data to:

- to enable us to complete statutory returns to the DfE
- enable us to carry out specific, statutory functions for which we are responsible
- derive statistics which inform decisions such as the funding of providers

### The lawful basis on which we use this information

We collect and use this information because the LA has a duty to provide funding to and support early years settings under The Childcare Act 2006 and 2016 and the Education Act 2002.

### Collecting this information

Whilst the majority of children and young person's information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the data protection legislation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

### Storing this information

We hold children and young person's data on a secure electronic database and will not keep personal data for longer than 7 years.

### Who we share this information with

We routinely share children and young person's information with:

- the Department for Education (DfE) - on a statutory basis under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.
- Youth support services – under section 507B of the Education Act 1996, to enable them to provide information regarding training and careers as part of the education or training of 13-19 year olds

## Education and training

We hold information about young people living in our area, including about their education and training history. This is to support the provision of their education up to the age of 20 (and beyond this age for those with a special educational need or disability). Under parts 1 and 2 of the Education and Skills Act 2008, education institutions and other public bodies (including the Department for Education (DfE), police, probation and health services) may pass information to us to help us to support these provisions.

## Why we share this information

We share children and young person's data with the Department for Education (DfE) on a statutory basis under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013. This data sharing underpins school funding, educational attainment policy and monitoring and enables them to; produce statistics, assess our performance, determine the destinations of young people after they have left school or college and to evaluate Government funded programmes.

We do not share information about children and young people without consent unless the law and our policies allow us to do so.

## Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

## 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.

The law requires us to provide information about our pupils to the DfE as part of statutory data collections. Some of this information is then stored in the national pupil database (NPD). The legislation that requires this is the Education (Information About Individual Pupils) (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 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>

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

## Requesting access to your personal data

Under data protection legislation, parents and pupils 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 held by their education provider, contact The Local authority Data Protection Officer email: [infocompliance@torbay.gov.uk](mailto:infocompliance@torbay.gov.uk) tel: 01803 207177.

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, 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/>

## Further information

If you would like further information about this privacy notice, please contact:

Data Protection Officer:

Email: [infocompliance@torbay.gov.uk](mailto:infocompliance@torbay.gov.uk)

Tel: 01803 207177

Data Controller:

The data controller for the information provided on this form is:

Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR