

# Privacy Notice for KMS Kent Ltd

This notice explains what personal data (information) KMS hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

## Who are KMS?

KMS collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the General Data Protection Regulation which applies across the European Union (including in the United Kingdom) and we are responsible as 'controller' of that personal information for the purposes of those laws. Our Data Protection Officer is Steve Fuller.

## The personal information KMS collect and use

### Information collected by us:

In the course of providing education we collect the following personal information when you provide it to us:

- Personal information (such as name, unique pupil number, contact details language, nationality, country of birth, and free school meal eligibility)
- Special category characteristics
  - Ethnicity
  - Special educational needs (SEN) information
  - Relevant medical information
- Safeguarding information (such as court orders and professional involvement)
- Special educational needs (including identified needs in order of priority)
- Medical and administration (such as doctors information, child health, allergies, medication and dietary requirements)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- National curriculum assessment results
- Behavioural information (such as exclusions and any relevant alternative provision put in place).
- Personal information, special category information, assessment results and SEN information from schools that you previously attended
- Service support and involvement information from KCC teams working to improve outcomes for children and young people (such as SEND, Early Help, Free School Meals, Admissions)

and for Looked After Students:

- episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information)
- episodes of being looked after (such as important dates, information on placements)

- outcomes for looked after children (such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending)
- adoptions (such as dates of key court orders and decisions)
- care leavers (such as their activity and what type of accommodation they have)

This list is not exhaustive, to access the current list of categories of information we process please contact our DPO.

## **How KMS use your personal information**

We use your personal information to:

We collect and use student information, for the following purposes:

- a) to support student learning
- b) to monitor and report on student attainment and progress
- c) to support the in-year admissions process
- d) to provide appropriate pastoral care
- e) to assess and improve the quality of our services
- f) to keep students safe (general safeguarding, food allergies, or emergency contact details)
- g) to meet the statutory duties placed upon us
- h) to evaluate and improve our policies on children's social care

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing pupil information are:

for the purposes of **(a), (b), (c), (d), (e)**, in accordance with the legal basis of Public task: collecting the data is necessary to perform tasks that schools are required to perform as part of their statutory function

for the purposes of **(f), (h)** in accordance with the legal basis of Vital interests: to keep children safe

for the purposes of **(g)** in accordance with the legal basis of Legal obligation: data collected for DfE census information

In addition, concerning any special category data, conditions a, b, c, d and e of GDPR - Article 9

## **How long your personal data will be kept with KMS**

We will hold your personal information securely and retain it from the child/young person's date of birth until they reach the age of 25, after which the information is archived or securely destroyed.

## **Reasons KMS can collect and use your personal information**

We collect and use pupil information under section 537A of the Education Act 1996, section

83 of the Children Act 1989, and to carry out tasks in the public interest. If we need to collect special category (sensitive) personal information, we rely upon reasons of substantial public interest (equality of opportunity or treatment).

If there is processing or sharing that relies on your consent, we will make this clear to you and ensure we seek your consent.

### **Who KMS share your personal information with**

- Department for Education (DfE) and other government agencies and local authorities as required
- Kent County Council teams working to improve outcomes for children and young people
- Commissioned providers of local authority services (such as education services)
- Schools or colleges that you attend after leaving us
- Local multi-agency forums which provide SEND advice, support and guidance
- Partner organisations signed up to the Kent & Medway Information Sharing Agreement, where necessary, which may include Police, school nurses, doctors and mental health workers and Kent Community Health NHS Foundation Trust
- Schools in our local collaboration, to enable the moderation of pupil assessment outcomes, to support collaborative working through joint analysis, and ensure children continue to receive appropriate education provision
- suppliers and service providers – to enable them to provide the service we have contracted them for

We do not share information about our students, including our children in need or children looked after with anyone without consent unless the law and our policies allow us to do so.

### **KMS students Aged 14+ qualifications**

For pupils enrolling for post-14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupil's learning or qualifications

### **KMS students in Year 11**

We also provide additional pupil information to KCC to fulfil their responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996:

- Intended destinations of pupils in Year 11 moving into Year 12
- Course offers for pupils in Year 11 moving into Year 12 (September Guarantee)
- Information for Kent Choices4U (careers advice and course application website)

### **KMS students aged 16+**

We will share information about pupils aged 16+ with our local authority as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

Local Authorities have 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.

This information enables KCC to provide and arrange:

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

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

The NPD is owned and managed by the DfE 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 DfE. 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.

The DfE 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 DfE 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.

### **Your rights**

Under the GDPR you have rights which you can exercise free of charge which allow you to:

- Know what we are doing with your information and why we are doing it
- Ask to see what information we hold about you (Subject Access Requests)
- Ask us to correct any mistakes in the information we hold about you
- Object to direct marketing
- Make a complaint to the Information Commissioners Office

- Withdraw consent (if applicable)

Depending on our reason for using your information you may also be entitled to:

- Ask us to delete information we hold about you
- Have your information transferred electronically to yourself or to another organisation
- Object to decisions being made that significantly affect you
- Object to how we are using your information
- Stop us using your information in certain ways

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note: your request may delay or prevent us delivering a service to you.

For further information about your rights, including the circumstances in which they apply, see the guidance from the UK Information Commissioners Office (ICO) on individuals' rights under the General Data Protection Regulation.

If you would like to exercise a right, please contact Steve Fuller

### **Keeping your personal information secure**

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

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

### **Who to Contact and Where to go for Further Information**

Please contact Steve Fuller (DPO) to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for.

If you would like to get a copy of the information about you that KCC shares with the DfE or post-16 providers or how they use your information, please contact the Information Resilience and Transparency Team at [data.protection@kent.gov.uk](mailto:data.protection@kent.gov.uk).

For more information about services for children and young people, please go to: <http://www.kent.gov.uk/education-and-children> or the KCC website at [www.kent.gov.uk](http://www.kent.gov.uk)

The General Data Protection Regulation also gives you right to lodge a complaint with a supervisory authority. The supervisory authority in the UK is the Information Commissioner who may be contacted at <https://ico.org.uk/concerns> or telephone 03031 231113.

For further information visit <https://www.kent.gov.uk/about-the-council/about-the-website/privacy-statement>

For further information about how the Department for Education uses your information:

To find out more about the pupil information we share with the DfE, 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/national-pupil-database-user-guide-and-supporting-information>.

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>

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>