



## SAPIENTIA EDUCATION TRUST PRIVACY NOTICE

### WHO WE ARE

Sapientia Education Trust (SET); company number 07466353 is a Multi Academy Trust with responsibility for a number of schools. The address of SET is: Sapientia Education Trust, Golf Links Road, Wymondham, Norfolk, NR18 9SZ.

Sapientia Education Trust is the data controller for the purposes of the relevant legislation ("Data Protection Law") for the control of all data that the SET handles. This privacy notice is intended to provide information about how the SET will manage and handle the data in its possession.

### WHAT THIS POLICY IS FOR

This policy is intended to provide information about how SET will use (or "process") personal data about individuals including: its staff; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided in accordance with the rights of individuals under Data Protection Law to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand the SET's obligations to its entire community.

This Privacy Notice applies alongside any other information SET may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This Privacy Notice also applies in addition to SET's other relevant terms and conditions and policies, including:

- any contract between SET and its staff;
- SET's retention of records policy;
- SET's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- SET's IT policies.

Anyone who works for, or acts on behalf of, the SET (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Notice and particular Privacy Notices for the schools they might represent. Staff, volunteers and governors will also have to comply with the Trust's data protection policy for staff, which also provides further information about how personal data about those individuals will be used.

### RESPONSIBILITY FOR DATA PROTECTION

The Trust has appointed Schools Choice as our Data Protection Officer who deal with all issues concerning SET's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this notice and Data Protection Law: [data.protection@schoolschoice.org](mailto:data.protection@schoolschoice.org)

## WHY SET NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, pupils and parents, SET may process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of its daily operation.

Some of this activity SET will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its pupils.

Other uses of personal data will be made in accordance with SET's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

SET expects that the following uses may fall within that category of its (or its community's) "**legitimate interests**":

- To provide education services, and monitoring pupils progress and educational needs;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity or gender pay gap analysis and taxation records);
- To enable relevant authorities to monitor SET's performance and to intervene or assist with incidents as appropriate;
- To safeguard pupil's welfare and provide appropriate pastoral care;
- For security purposes; and
- Where otherwise reasonably necessary for SET's purposes, including to obtain appropriate professional advice and insurance for SET.

In addition, SET may need to process **special category personal data** (concerning health, ethnicity, religion or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will include:

- In connection with employment of its staff, for example DBS checks, welfare or pensions;
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

## TYPES OF PERSONAL DATA PROCESSED BY SET

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- where appropriate, information about individuals' health, and contact details for their next of kin;
- personnel files, including in connection with academics, employment or safeguarding;
- correspondence with and concerning staff, pupils and parents past and present;

## HOW SET COLLECTS DATA

Generally, SET receives personal data from the individual directly (including, in the case of students, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments).

However in some cases personal data may be supplied by third parties (for example another school, or other professionals or authorities working with that individual).

## WHO HAS ACCESS TO PERSONAL DATA AND WHO SET SHARES IT WITH

Occasionally, SET will need to share personal information relating to its community with third parties, such as

- professional advisers (e.g. lawyers, insurers and accountants);
- government authorities (e.g. HMRC, police or the local authority);
- appropriate regulatory bodies (e.g. Ofsted, Independent Schools Inspectorate, Charity Commission, Information Commissioners Office);

For the most part, personal data collected by SET will remain within the SET headquarters and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- pastoral or safeguarding files.

Staff, pupils and parents are reminded that SET is under duties imposed by law and statutory guidance (including [Keeping Children Safe in Education](#)) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity.

Finally, in accordance with Data Protection Law, some of SET's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the SET's specific directions.

## HOW LONG WE KEEP PERSONAL DATA

SET will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff personnel files is up to 7 years following departure from SET. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. If you have any specific queries about how this policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Chief Executive Officer in writing (Chief Executive Officer, Sapientia Education Trust, Golf Links Road, Wymondham, Norfolk, NR18 9SZ). However, please bear in mind that SET may have lawful and necessary reasons to hold on to some data even following such a request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even when you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record")

SET retains documents in accordance with its Records Retention Policy. The following principles apply to that policy:

- all information held by SET is justifiable by reference to its purpose;
- information will not be held for any time period over and above that specified in the Records Retention Policy; and
- Information will be securely disposed of as outlined in the Records Retention Policy.

## YOUR RIGHTS

### Rights of Access

Individuals have various rights under Data Protection Law to access and understand personal data about them held by SET, and in some cases ask for it to be erased or amended or have it transferred to others, or for SET to stop processing it, but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, should put their request in writing to the Chief Executive Officer, Sapientia Education Trust, Golf Links Road, Wymondham, Norfolk, NR18 9SZ.

SET will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, which is one month in the case of requests for access to information. SET will be better able to respond quickly to smaller, targeted requests for information. If the request is manifestly excessive or similar to previous requests, SET may ask you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it.

### Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal privilege (for example legal advice given to or sought by SET, or documents prepared in connection with a legal action).

SET is also not required to share any confidential reference given by SET itself for the purposes of education, training or employment of any individual.

Parents may be aware that GDPR allows for the 'right to be forgotten'. However, please be aware that SET will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement or where it falls within a legitimate interest identified in the Privacy Notice. All requests will be considered on their own merits.

### Pupil Requests

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of SET, they have sufficient maturity to understand the request they are making (see section Whose Rights below). Indeed, while a person with parental responsibility will generally be expected to make a subject access request on behalf of younger students, the information in question is always considered to be the child's at law. A student of any age may ask a parent or other representative to make a subject access request on his/her behalf, and moreover (if of sufficient age) their consent or authority may need to be sought by the parent. Pupils aged 13 are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Children younger than 13 may be sufficiently mature to have a say in

this decision. All subject access requests from students will therefore be considered on a case by case basis.

### Parental Requests

It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about students without their consent. SET may consider there are lawful grounds for sharing with or without reference to that student.

All information requests from, on behalf of or concerning students – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

### Consent

Where SET is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Please be aware however that SET may have another lawful reason to process the personal data in question even without your consent.

That reason will usually have been asserted under this Privacy Notice or may otherwise exist under some form of contract or agreement with the individual e.g. an employment contract, or because a purchase of goods, services or membership of an organisation has been requested.

### Whose Rights

The rights under Data Protection Law belong to the individual to whom the data relates. However, SET will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils. Parents and students should be aware that this is not necessarily the same as SET relying on strict consent (see section on consent above)

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the student's age and understanding - to seek the pupils consent. Parents should be aware that in such situations they may not be consulted depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, SET may be under an obligation to maintain confidentiality unless, in SET's opinion, there is a good reason to do otherwise; for example where SET believes disclosure will be in the best interests of the pupil or other pupils, or if required by law.

## **DATA ACCURACY AND SECURITY**

SET will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the Chief Executive Officer (for academic and pastoral matters) or the SET Director of HR (Staff matters) of any changes to information held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under Data

Protection Law): please see above for details of why SET may need to process your data, of who you may contact if you disagree.

SET will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to SET systems. All staff, Trustees and Members will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

## **THIS POLICY**

SET will update this Privacy Notice from time to-time. Any substantial changes that affect your rights will be provided to you as far as is reasonably practicable.

## **QUERIES AND COMPLAINTS**

Any comments or queries on this policy should be directed to the Chief Executive Officer in writing at Sapientia Education Trust, Golf Links Road, Wymondham, Norfolk, NR18 9SZ.

If an individual believes that SET has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the SET complaints procedure (Trust grievance procedure for a member of staff) and should also notify the Chief Executive Officer (see address above). You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with SET before involving the regulator.