

# **Privacy notice relating to the processing of personal data for the purpose of Learner Progression Assessments**

**(Version 1.1 – wef 21.02.2023)**



**MAE EICH DATA O BWYS**

**YOUR DATA MATTERS**

Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh

## About this privacy notice

This privacy notice applies to the processing of personal data by primary, secondary and through schools within Rhondda Cynon Taf (RCT) that are maintained by the local authority ('Rhondda Cynon Taf County Borough Council' 'RCTCBC'). It also applies to the processing of personal data by faith schools within RCT that are voluntary funded.

Click [here](#) for a full list of schools covered by this privacy notice.

This privacy notice is provided by RCTCBC for and on behalf of schools under a data protection Service Level Agreement.

## Introduction

This privacy notice is intended to provide information about how the school will use (or 'process') personal data about individuals, including our current, past, and prospective pupils and their parents, carers or guardians (referred to in the notice as 'parents') to undertake our statutory functions relating to Learner Progress Assessments ('assessments') as defined in the [Curriculum and Assessment \(Wales\) Act 2021](#).

Whilst we have tried to make this privacy notice as clear and concise as possible, the categories of personal data we process may vary depending on the outcome of assessments, pupil progress and the support required etc. Should you require further information specific to your child please do not hesitate to contact the Data Protection Lead.

When processing the personal data, we process only the minimum amount necessary in relation to the purpose.

This notice should be read in conjunction with the school's General Privacy Notice which is available on our website or by contacting the Data Protection Lead.

## **The Data Controller**

The school is the data controller for the personal data we process, unless otherwise stated. This includes the personal data processed by the Governing Body, head teacher, individual governors, teachers, teaching assistants and support staff etc.

The school is registered with the Information Commissioner's Office (ICO) as a controller.

## **How to contact us for data protection matters or concerns**

The school's Data Protection Lead is the main point of contact for data protection matters. The Data Protection Lead can be contacted using our normal contact methods; by telephone, email, post and in person at the school.

Click [here](#) for contact information.

## **The Data Protection Officer**

RCTCBC provides a data protection support service to the school under a Service Level Agreement, including the provision of a Data Protection Officer (DPO).

The DPO can be contacted in relation to data protection matters. However, we encourage you to contact the school in the first instance. Should you have the need to contact the Data Protection Officer directly you can do so via email to the following email address;

- [Information.management@rctcbc.gov.uk](mailto:Information.management@rctcbc.gov.uk)

We recommend, when contacting the DPO, that you send a copy of the correspondence to the school as the data controller.

## **The categories of personal data we process**

We may process the following categories of personal data for statutory purposes relating to learner progression assessments.

### **Pupil personal data**

- Personal identifiers such as name, address, age, date of birth, class year, unique pupil number etc.
- Relevant characteristics such as ethnicity, health and religion
- Assessment information such as pupil strengths achievements, areas for improvement, barriers to learning, support requirements, progress, learning plans etc.

### **Parent personal data**

- Personal identifiers such as name, relationship to the pupil
- Contact information such as address, telephone number, email address

## **Why we process the personal data**

We process the pupil data in order to comply with our statutory requirements relating to learner progression assessments. This may include but is not limited to the following activities;

- undertake learner progression assessments to target, track and monitor pupil progress
- record learner progression assessments
- put measures in place to support learner progression (this may include referrals to Local Authority and external support services)
- communicate and engage with parents in relation to learner progress
- issue progress reports to parents
- inform teaching and learning needed to make progress
- plan and target support and resources for pupils
- understand group progress in order to reflect on practice

## Our lawful basis for processing the personal data

Under the General Data Protection Regulation (GDPR), our lawful basis for processing the personal data for the purpose of learner progress assessments is;

- **Legal Obligation** (c) – processing is necessary for compliance with a legal obligation to which the controller is subject.
- **Public Task** - Article 6 (e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- **Substantial public interest** - Article 9 (2) (g) - processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject

The primary legislation, regulations and guidance that supports this includes;

- Curriculum and Assessment (Wales) Act 2021 (Part 4)
- Education Act 1997
- Education Act 2002
- The Education Development Plans (Wales) (Amendment) Regulations 2005
- The Pupil Information (Wales) Regulations 2011
- WG School Development Plans 2014

## Who and where we get the personal data from

We typically receive the personal data from;

- Pupils
- School staff
- Local Authority and external support services that may be involved/supporting learner progression

## Who we share personal data with

We may share personal data with the following key organisations to fulfil our statutory function in relation to learner progression assessments. When sharing the personal data, we only share the minimum amount necessary in relation to the purpose.

Who	Purpose
Local Authority (RCTCBC) – Data Team	<ul style="list-style-type: none"><li>• Statutory returns and reporting</li><li>• To create and submit statutory returns: NDC (National Data Collection) end of key stage levels.</li></ul>
Welsh Government	<ul style="list-style-type: none"><li>• Statutory returns and reporting</li><li>• Welsh National Tests</li></ul>
Central South Consortium	<ul style="list-style-type: none"><li>• Statutory returns and reporting</li><li>• School improvement</li></ul>
Local Authority and external support services	Personal data may be shared with services that are involved with the learner to support their progression

## Data Processors

A data processor is a company or organisation that processes personal data on behalf of a controller. The school uses data processors that provide services to us. The category of data processors that the school uses in relation to the processing of assessment data is;

- IT system suppliers / service providers

Our data processors act only upon our instruction. They cannot do anything with the personal data unless we instruct them to do so. They will not share the personal data with any organisation apart from us or use it for their own purposes. They will hold it securely and retain it for the period we instruct.

Should you have a specific query relating to our data processors, please contact the Data Protection Lead.

## How long we retain the personal data

We retain the personal data relating to learner progression assessments as follows;

Record	Basic Record Description	Statutory Provision	Retention period
Primary school record	Teacher assessments - form part of the educational record.	Not Applicable	Until the pupil leaves the school. At which time, the record is transferred to the next primary school, or secondary school.
Secondary school records			Recommend until the pupil's 25 <sup>th</sup> birthday

In keeping with the General Data Protection Regulation storage limitation principle, records are periodically reviewed. Not all personal data is retained. Only personal data that is relevant to the record is retained for the entire retention period. Information that has no long term or evidential value is routinely destroyed in the normal course of business.

## **Your data protection rights**

Under data protection law, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your personal data.

### **Your right of access**

You have the right to ask us for copies of your personal data. This right always applies. There are some exemptions, which means you may not always receive all the data we process. [You can read more about this right on the ICO's website.](#)

### **Your right to get your data corrected**

You have the right to ask us to rectify personal data you think is inaccurate. You also have the right to ask us to complete data you think is incomplete. This right always applies. [You can read more about this right on the ICO's website.](#)

### **Your right to get your data deleted**

You have the right to ask us to erase your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

### **Your right to limit how organisations use your data**

You have the right to ask us to restrict the processing of your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

### **Your right to object to the use of your data**

You have the right to object to us processing your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

### **Your right to data portability**

This only applies to personal data you have given us. You have the right to ask that we transfer the personal data you gave us from one organisation to another or give it to you. This right only applies if we are processing the personal data based on your consent or under, or in talks about entering a contract and the processing is automated. [You can read more about this right on the ICO's website.](#)

You are not required to pay any charge for exercising your rights. We have one month to respond to your request from the date your request is validated. We may extend this period by a further two months if the request is complex or we receive a number of requests from you.

Please contact the school's Data Protection Lead if you wish to make a request.



## **Your right to make a data protection complaint to the school**

You have the right to complain to the school if you believe we have not handled your personal data responsibly and in line with good practice.

If you have a concern, we encourage you to contact the Data Protection Lead in the first instance. Most concerns can be resolved relatively quickly through a simple phone call or email to the school. Should you wish to make a formal complaint you can do so via our complaints policy.

## **Your right to make a data protection complaint to the ICO**

You can also complain to the ICO if you are unhappy with how we have used your data, but we encourage you to contact us first.

The ICO's contact information is:

- Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
- Helpline number: 0303 123 1113
- Website: <https://www.ico.org.uk>

## Version Control

Version no	Valid From	Valid To	Comments
1.0	31.08.2022	21.02.2023	Document creation. Final document.
1.1	21.02.2023		Amended to included availability of Welsh version