

PRIVACY NOTICE FOR PHOTOS AND VIDEOS

Attain Academy Partnership (herein referred to as the 'Trust') is the Data Controller for the purpose of data protection law. The 'Trust' comprises of Bocking Primary School, Cressing Primary School, de Vere Primary School, Elm Hall Primary School, Gosfield Community Primary School, Newlands Spring Primary & Nursery School and Rayne Primary & Nursery School (herein referred to as the 'Academy').

This privacy notice explains how we collect, store and use photographs and videos within the Academy.

1. Introduction

Under data protection law, individuals have a right to be informed about how organisation uses any personal data held about them. We comply with this right by providing privacy notices to individuals where we are processing their personal data.

Attain Academy Partnership, is the 'data controller' for the purposes of data protection law. This privacy notice explains how we collect, store and use photographs and videos within the Academy. We take the security of your data seriously. We have internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed and is not accessed except by its employees and service providers in the performance of their duties. Please see below for details of our Data Protection Officer.

The headteacher / head of school in each school is responsible for ensuring that their Academy complies with Trust's policies and procedures in relation to Data Protection. This policy has been written with consideration given to working practices. By adopting this policy, a reduction in workload has been facilitated by reducing the need for individual academies to interpret the policy locally.

2. The categories of personal information that we collect, hold and share

We process data relating to those volunteering at our Trust / Academy. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Photographs
- Videos
- Pupil name, class and activity (where a photograph is displayed via website or newsletter names are not attached)
- consent

3. Why we collect and use personal information

The purpose of processing this data is to help us run the Trust / Academy to:

We collect and process the personal data to:

- retain a photo of each pupil as part of their educational record for administrative purposes, such as identification, security and safeguarding
- enhance education provision, inclusion and recreation within the academy environment, Academy website, social medial, Academy marketing materials, Academy publications

- celebrate successes and activities of the school
- marketing and promotional proposes

4. The lawful basis on which we use this information

We collect and use personal information about you under the following legal bases:

1. Public interest: The Trust relies on public interest for most of the ways in which it uses personal information.
2. Legal obligation: This means processing is necessary in order to comply with a statutory obligation, for example
 - to comply with DfE statutory guidance [Keeping Children Safe in Education](#) as required by Section 7 in part 3 of [The Education \(Independent School Standards\) Regulations 2014](#) which applies to academies
3. Legitimate interests: This means that processing is necessary for legitimate interests of the Trust except where processing is unfair to the individual. The Trust relies on legitimate interests when performing non-public tasks. Specifically the Trust has a legitimate interest when retaining digital images of individuals that have left the Academy for archiving purposes
4. Consent: The Trust may ask for consent to use personal data in other ways not covered by (1) to (3) above. If we ask for your consent to use your personal information you can take back this consent at any time. Any use of personal information before you withdraw your consent remains valid.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify our use of your data.

5. Collecting personal information

Parents / guardians have a choice as to whether to permit the academy to process digital images for public interest basis. We collect this when the pupil is admitted to the academy.

Digital images may be collected in a variety of ways. For example, digital images may be collected through the use of professional school photographers or by staff during the child's educational life.

6. Use of personal data for marketing purposes

We commission school photographers to take photos of pupils which are uploaded to our student information management systems (SIMS). You may be offered these photographs for purchase through such service providers but there is no obligation to buy your child's photograph. We always obtain data sharing agreements for any such providers. We never sell your data.

7. Storing personal data

Personal data is stored securely in a range of different places, including the Trust / Academy pupil records, and in IT systems (including the management information systems, Trust's email system) where applicable. We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

Personal data is stored in line with the Data Protection Policy. We do not store personal data indefinitely; personal data is kept for as long as necessary to fulfil the purposes for which it was collected for, including for the purposes of satisfying any legal, insurance or reporting



requirements.

Details of retention periods for the different categories of personal data are available in our Data Retention Policy on the Academy website. When your relationship with the Trust / Academy has ended, we will retain and dispose of your personal information in accordance with our Data Retention Policy.

8. Who we share personal information with

We use a range of companies and partners, known as Third Party Contractors, to either store personal information or to manage it for us. Where we have these arrangements due diligence is taken to ensure that the organisation complies with data protection law.

We may share digital images with your consent with:

- The Academy / Trust website provider
- Local media
- Academy photographer, such as Braiswick Photography, Tempest Photography
- Essex Records Office
- Social Media platforms
- Academy community (parents, pupils, staff, governors, trustees, supporters). Images may be displayed on walls/displays within school, outside of school, in newsletters and promotional materials for example

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about you with:

- Government departments or agencies – to meet our legal obligations to share information
- Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as Education Services Solution Ltd (SIMS, SIMS Parent App, Pay360 by Capita), CPOMS Systems Ltd, and ParentPay.
- Medical / allergy photo alerts for academy staff (names attached to ensure safety and well-being of children)

In the event that we share personal data with third parties, we will provide the minimum amount necessary to fulfil the purpose for which we are required to share the data. We do not sell personal data to any organisation for the purposes of selling products.

9. Why we share personal information

We do not share information about you with anyone without consent unless the law and our policies allow us to do so. Most commonly information is shared with on a legal and public interest basis. In certain instances we may also share information on a consent basis. When you give your consent for your personal information to be held and/or shared for any purpose you can withdraw that consent at any time by contacting the Data Protection Officer (See contact details below).

We may still share your information if we believe that someone is at risk. However, the risk must be serious before we go against your right to confidentiality. If this is the case, we will ensure that we record what information we shared and our reasons for doing so. We will let you know what we have done and why as soon as or if we think it is safe to do so.

10. Transfer of personal information outside of the EU

We do not share or store data in countries with no UK-equivalent privacy law protections. If we were to receive a request to send information outside of the UK, additional protection will be applied to the data and where the recipient country is not seen as 'safe' by the UK government, advice will be sought from the Information Commissioners Office prior to the data being sent. However, where digital images are used on social media, in publications, or on our website we cannot restrict the access to such images to the UK.

11. Requesting access to your personal data

Data subjects have the following rights under data protection legislation in relation to the processing of their data. You have the right to:

- Be informed about how the Trust and / or the Academy uses your personal data. This notice fulfils this obligation.
- Access the personal data the Trust and / or the Academy holds about them. When we receive a request in writing, we must normally give you access to everything we have recorded about you. However, we will not let you see any parts of your record which contains:
 - Confidential information about other people
 - Data that an information professional thinks will cause serious harm to your or someone else's physical or mental wellbeing
 - Data that may adversely affect the prevention or detection of crime if it were disclosed to you
- Change information you believe to be inaccurate. We may not always be able to change or remove information you disagree with however we will correct factual inaccuracies and may include your comments in the records.
- Be forgotten. In certain circumstances you can request the erasure of personal information used by the Trust however this does not extend to using your personal data where:
 - It is required by law
 - It is used for exercising the right of freedom of expression
 - It is in the public interest in the area of public health
 - It is for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes where it would seriously affect the achievement of the objects of the processing
 - It is necessary for the establishment, defence or exercise of legal claims.

Where personal information has been shared with others, we will make every reasonable effort to ensure those using your personal data comply with your request for erasure.

- Restrict what your information is used for. You may restrict its use when one of the following apply:
 - You have identified inaccurate information, and have notified us of this
 - Where using the information is unlawful and you wish to restrict rather than erase the information
 - Where you have objected to us using the information, and the legal reason for us using your information has not yet been provided to you.

When information is restricted it cannot be used other than to securely store the data, and with your consent, to handle legal claims, protect others or where it is important public interests of the UK

You have the right to request that the Trust / Academy stop using your personal data for some services. However, if this request is approved it may cause delays or

prevent us delivering a service to you. Where possible we will seek to comply with your request, but we may need to hold or use information in connection with one of more of our legal functions.

You have the right to prevent processing for the purpose of direct marketing.

- Object to decisions being taken by automated means (by a computer and not human) unless it is required for any contract you have entered into, required by law, or you have consented to.
- Object to being profiled. Profiling is where decisions are being made based on certain things in your personal information. If and when the Trust / Academy uses your personal information to profile you, you will be informed.

If you would like to exercise these rights, contact the Data Protection Officer (See Contact details below).

These rights are further explained in our Data Protection Policy available in the Data Protection section on our website. Anyone wishing to exercise these rights may do so by contacting the academy office or our Data Protection Officer. **Please see the ‘Contacts’ section below.**

12. Use of your personal data in automated decision making and profiling

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

13. Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent, you have the right to withdraw that consent. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting dpo@attain.essex.sch.uk.

Where consent has been withdrawn your child may not be able to participate in events where digital images are being taken.

14. Complaints

We take any complaints about our collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with the academy in the first instance.

If you would like to make a complaint, please contact our Data Protection Officer (See Contact details below).

If you still have concerns following our response you have the right to raise the matter directly with the Information Commissioner’s Office:

Online	https://ico.org.uk/concerns/
Postal Address	Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Email	https://ico.org.uk/concerns/handling/
Phone Number	0303 123 1113



15. Contact

If you would like to discuss anything in this privacy notice or make a Subject Access Request, please contact the Data Protection officer

Data Protection Officer	Mrs Ellwood
Postal Address	Attain Academy Partnership, c/o Newlands Spring Primary and Nursery School, Dickens Place, Chelmsford CM1 4UU
Email	DPO@attain.essex.sch.uk

Please ensure you include the name of the Academy in all correspondence with the DPO

16. Last updated

We may need to update the privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on **7 April 2022**