PRIVACY NOTICE
Education Services

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, moray.gov.uk 01343 543451, is a Local Authority established under the Local Government etc. (Scotland) Act 1994. We are the Data Controller of the personal data being collected.

Why we are collecting your personal data

Your personal data may be used by Moray Council to provide a range of education services, which include:

- Education provision in Early Learning and Childcare (ELC), Primary schools and Secondary schools
- Services to support access to and inclusion in education
- Managing admissions, including placing requests and appeals.

We need to process your data to provide services that are fit for purpose, efficient and effective whilst meeting our statutory obligations. Your data may be collected from a variety of methods, such as when you complete one of our forms, when you contact us, or via an in-person meeting.

Your personal data is collected for the purposes listed below. This list is not exhaustive and additional privacy notices are provided for specific education services. These are available here: www.moray.gov.uk/PrivacyNotices.

Primary Purposes:

1. Primary school and Secondary school Registration and Enrolment (Data Capture Forms), Placing Requests and Appeals
    - parent/carer - name, address, contact details and Armed Forces status
    - child/young person - name, address, contact details, sex, date of birth, relevant health and medical information including allergies, national identity, ethnicity, home language and religion, photos, school name, year group, and class
    - emergency contact(s) – name, contact details and relationship to child/young person
    - child/young person's GP - name, address and telephone number
2. Attendance, Attainment, Pastoral support and Behaviour/Exclusions
    - child/young person's - name, address, contact details, progress, assessments, attendance, absence and exclusion records, exam results and their next setting/school, career path or intended destination when they leave our provision.

Further Purposes:

3. Child Protection.
4. Inclusion, Wellbeing and Adapted Curriculum, which includes Additional Supports Needs (ASN) Services, Sensory Services and English as an Additional Language.
5. School Meals - food allergies and adapted diets.
6. Excursions, Activities and Placements, and Instrumental instruction service
    - child/young person's - passport number (if travelling abroad).
7. Consents including Social Media, Newsletters, Award Ceremonies, Photographs, Surveys and Questionnaires.
8. We may, with agreement, signpost or refer to external support services such as organisations or charities that offer additional services and resources supporting children and young people.

Personal data we collect from other sources

We may gather information about children/young people and parents/carers from a variety of sources, for example internally from other Council services, and externally from sources such as health professionals involved with the child/young person, and Police Scotland via child Concern Reports. We receive pupil records from other local authorities when a child/young person moves into Moray.

Our legal basis

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council's legal basis in data protection law to be Article 6(1)(e) of the United Kingdom General Data Protection Regulation (UK GDPR); because the personal data is necessary for the performance of a task carried out in the public interest when processing personal data for purposes 1, 2, 3, 4 and 5. When processing personal data for purposes 1, 2, 3 and 4, we understand the Council's legal basis to be UK GDPR Article 6(1)(c); as the processing is necessary for the Council to comply with its legal obligations. The Council's basis in law and legal obligations are set out under the following legislation:

- Children (Scotland) Act 1995
- Children and Young People (Scotland) Act 2014
- Education (Additional Support for Learning) (Scotland) Act 2004
- Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002
- Education (Scotland) Act 1980
- Education (Scotland) Act 2016
- Equality Act 2010
- Standards in Scotland's Schools etc. Act 2000
- The Pupils' Educational Records (Scotland) Regulations 2003

- The Young People's Involvement in Education and Training (Provision of Information) (Scotland) Order 2014

When processing personal data for child protection and health purposes, we also understand our legal basis to be UK GDPR Article 6(1)(d); as the processing is necessary in order to protect the vital interests of the data subject or of another natural person.

We understand our legal basis for processing personal data for purposes 6, 7 and 8 to be Article 6(1)(a) of the UK GDPR, because you have given consent to your personal data being used for these purposes.

Personal data that counts as 'special category data', such as data about health, must satisfy extra conditions when processed and personal data relating to criminal convictions or offences may also be processed. We understand our legal basis in data protection law for processing these types of data to be UK GDPR Article 9(2)(g) and Schedule 1, Part 2, Paragraph 6 of the Data Protection Act 2018 (DPA 2018), and, UK GDPR Article 10, together with Schedule 1, Part 2, Paragraph 6 of the DPA 2018; as the processing is necessary for reasons of substantial public interest for statutory and government purposes. The processing is necessary for the exercise of functions conferred under the above legislation.

Who we share this personal data with

The information you provide will be entered into and stored on Moray Council's Management Information Systems. This is to facilitate the safe electronic storage of pupil records and information.

As part of Inclusion, Wellbeing and Adapted Curriculum we may need to share some of your personal data with third parties contracted by the Council to provide alternative curriculum activities to help meet specific agreed outcomes. Where this is the case, the activity options will be discussed and agreed between pupils, parents/carers, and the school. We make sure that these third parties process data appropriately through our contractual arrangements with them.

In so far and to the extent that we are permitted to do so by law, we may share data with our community partners such as NHS Grampian, the Scottish Children's Reporter Administration and Police Scotland. Pupils approaching the eligible age to vote will have some details shared with the Grampian Assessor & Electoral Registration Officer (ERO): www.grampian-vjb.gov.uk/privacy-notice.

When a child moves to a new school setting (within or outwith Moray), we have a legal obligation to transfer their records to the new school.

We may share limited personal data with specialised groups who provide digital learning opportunities (such as Glow); communication and management information systems (such as Groupcall, parentsportal and Career Education Planning).

The Council is required to provide information about pupils to the Scottish Government on attainment, attendance and exclusions for the purposes of statistical analysis and to support evidence-based decision-making. Please see the Scottish Government's Privacy Notice for further information: http://www.gov.scot/Topics/Statistics/ScotXed/SchoolEducation/ESPrivacyNotices.

We may also be legally obliged to share data with inspection and scrutiny bodies such His Majesty's Inspectorate in Education, Care Inspectorate and Child Protection Officers, for the purpose of inspecting the Council's Education Service. They may review the data we hold regarding child(ren)/young person(people) as well as the processes we use.

Data is also shared with Skills Development Scotland (such as pupil contact information and school leaver destinations) so that they can offer support to pupils with their transitions from school. For further information, please see the Skills Development Scotland Privacy Notice: https://www.skillsdevelopmentscotland.co.uk/about/policies/privacy. We will share pupil data with Qualifications Scotland for the provision of national qualifications see: https://qualifications.gov.scot/privacy-statement. We may share data with colleges and universities, and with employers who offer work placements to pupils, and, with third parties who provide excursions and activities on the Council's behalf.

To promote the progression and achievement of pupils, when you and/or your child/young person consent to the processing via a completed consent form, we may share information externally such as on school websites, social media, newspapers and via school/Council publications.

For the cashless service we administer in Moray schools (for payments including cashless catering, school trips, etc), parent/carer and pupil data will be shared with CRB Cunninghams Limited who provide the Fusion cashless catering system used in secondary schools and the iPayimpact system. Please see our Cashless Accounts in Schools Privacy Notice: www.moray.gov.uk/PrivacyNotices.

When a National Entitlement Card (NEC) is applied for, personal data will be shared with the NEC provider. For more information, please see the NEC website (https://www.nec.scot/) and the NEC Privacy Notice for Cardholders and Applicants available here: https://www.nec.scot/privacy-policy Please also see our National Entitlement Card Privacy Notice: www.moray.gov.uk/PrivacyNotices.

Personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date. It may also be shared with other relevant Council Services where applicable, for example to make you aware of benefits and support you might be eligible for.

The Council may share this personal data with other relevant Council Services and third parties where we are under a legal obligation to do so. For example, this may be with Police, Social Security Scotland, UK Border Agency or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council Services and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

How long the personal data is held for

Your personal data will be securely stored by Moray Council for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. We maintain a record retention schedule which sets out how long we retain different types of personal data. This is available on our website: www.moray.gov.uk/RetentionSchedules (under Section 5 of the Records Management Plan).

The Council stores information within the UK.

Your rights

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data.

You, as a parent/carer or as a child/young person, have the right to withdraw your consent to the processing of your, or your child/young person's personal data for the purposes 6, 7 and 8 (as detailed above), by contacting the school you or your child/young person attends.

As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

For more information about these rights, please see the Information Management pages on the Council's website here: www.moray.gov.uk/InformationRights. Alternatively, email the Council's Data Protection Officer at: IG@moray.gov.uk

If you have a concern about the way the Council has handled your personal data, you can make a complaint to the Council's Data Protection Officer in the first instance; an e-form is available on the Council's website here: www.moray.gov.uk/Complaints

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113 Website: https://ico.org.uk/
Online: https://ico.org.uk/make-a-complaint/data-protection-complaints/