

PUPIL SURVEY PRIVACY NOTICE

OVERVIEW

Our Intent. We are committed to safeguarding the privacy of the children and teachers involved in the Pupil Survey 2018. We will only use the information that we collect about you lawfully and in accordance with the Data Protection Act 1998 (the “Act”).

Changes to Data Protection Legislation. Data Protection legislation and the Act is currently going through a period of change. The introduction of the European Union’s General Data Protection Regulation (GDPR) and the new British Data Protection Bill, which will replace the Act and is currently passing through Parliament and is the basis of this change. This Privacy Notice is therefore intended to comply with the Act, GDPR and the UK Data Protection Bill, however reflecting the period of legislative change, the Privacy Notice may be updated over time.

Data Subject’s Terms & Conditions. This Privacy Notice forms part of the terms for the participation in the survey and should be read by teachers and should be made available to parents and guardians of children, who are the Data Subjects. Equally it may be suitable for pupils to read and provide a useful basis of class activities, reflecting the importance of privacy and data protection.

The Data Controller. The Pupil Survey is being conducted by Learning Grid for London (LGfL). Our address is CI Tower, St Georges Square, New Malden, KT3 4TE.

Contacting the Data Controller. The mechanism for Data Subjects to raise concerns regarding the processing of their personal data by LGfL is to email: dataprotectionenquiries@lgfl.net; or send a letter, preferably by registered mail to: The Data Protection Officer, CI Tower, St Georges Square, New Malden, KT3 4TE. The Data Protection Officer fulfils a number of roles, one of which is to be the primary and independent point of contact for Data Subjects, including their representatives, i.e. teachers, parents and guardians. LGfL is using the services of an external DPO (Richard Preece) provided by Agillex Ltd.

Purpose of Processing Personal Data. The Pupil Survey will collect anonymised data to support a national survey of children’s internet habits and inform ongoing research by the National Society for the Prevention of Cruelty to Children (NSPCC). The collection of survey data will centre upon Safer Internet Day 2018 and the anonymous Pupil Survey statistical results will be co-published by LGfL and NSPCC in late May, early June 2018.

Lawful Basis of Processing Personal Data. The lawful basis of processing your personal data is **Consent**. Once you have agreed to this Privacy Notice, and

schools and individual parents/guardians have signed the consent form administered by the schools, the school and individual classes will be registered for the Pupil Survey and all processing of personal data will be based upon Consent.

Categories of Anonymised Personal Data Processed. The Pupil Survey will collect all information in an anonymised form initially, this will include school reference data and anonymised personal data, including age, gender and ethnicity to support statistical analysis. The questions will be mainly structured multiple choice questions, however there will be two *free text* boxes asking for pupil's best and worst internet experiences.

Data Processing. The Pupil Survey results will be initially processed by the LGfL Project Manager to prepare them for statistical analysis, including removing of specific school identifies as an additional safeguard of anonymity. The data will then be passed to the NSPCC and SSC Ltd (Statistical Services Centre Ltd) for analysis. This will lead to an anonymous statistical survey of pupils' internet habits across the UK.

Data Passed Back to Schools. LGfL will share anonymous statistical data with schools subject to restrictions to prevent staff identifying pupil's by their responses, in compliance with the status of this project as an anonymous survey. The free text responses will not be provided, because this could enable a teacher to identify a pupil due to writing style, literacy level, key words, etc, and therefore may lead to de-anonymization. Further, results will only be shared with schools with more than 10 entries, whilst personal identifiers (year group, ethnicity and gender) will not be included. The only exceptions to this are when safeguarding concerns are identified (see next paragraph), and this is made clear to pupils in the survey itself.

Circumstances when De-Anonymization Will be Attempted. Only if an individual child's responses in the *free text* boxes reveal potential serious safeguarding issues and the pupil has not told anyone about it will any attempt be made to de-anonymise the personal data collected. Potential safeguarding issues will be identified by either LGfL, NSPCC or SSC Ltd during their analysis of the data. In the event of any potential safeguarding issues being identified, the LGfL Pupil Survey Project Manager will identify the relevant school and contact the relevant school's Safeguarding Lead. Due to the anonymity of the Pupil Survey, it will require the local knowledge of the specific school to be able to potentially identify the child involved and to take appropriate action, in accordance with their statutory duties.

Transfer of Personal Data Outside the EEA (European Economic Area). The Pupil Survey will use the Google Education Suite forms platform. All personal data will be collected and managed within the EEA or if transferred to the USA under the EU-USA Privacy Shield agreement. All statistical analysis will be conducted on downloaded files on specific UK based computers and servers.

Passing of Personal Data to Third Parties. There will be no sale or passing of personal data to any company or other organization, other than those described above.

Retention of Personal Data. LGfL will retain the data for 12 months then securely dispose of it. NSPCC and SSC Ltd will hold the data for 6 months then securely dispose of it.

Data Subject's Rights. It should be noted there is only anonymised personal data held by LGfL, NSPCC and SSC Ltd. It is only in the event of a safeguarding issue as described above that data may be de-anonymised and this will be by the respective school where the child has been identified. But for completeness, under the Act and in even more so under the GDPR Data Subjects have a number of Rights which we have outlined below.

- **Right of Access.** You are entitled to access your personal data so that you are aware of and can verify the lawfulness of the processing. This is achieved through the mechanism of Subject Access Rights (SAR) and you have the right to obtain:
 - Confirmation that your data is being processed;
 - Access to your personal data (a copy); and
 - Other supplementary information, which corresponds to the information in this privacy notice.
- **Fees and Timings.** Until 25 May 2018, the Act allows LGfL to charge £10 for a SAR. Under GDPR and from 25 May 2018, this information will be provided without charge; without delay and within one month. If an extension is required or requests are considered manifestly unfounded or excessive, in particular because they are repetitive, LGfL may choose to: charge a reasonable fee taking into account the administrative costs of providing the information; or refuse to respond. The reasons for this will be formally notified to you and your rights to appeal to the appropriate Supervisory Authority, i.e. UK Information Commissioner's Office (ICO) will be highlighted.
- **Identify Verification.** To protect your personal data, LGfL will seek to verify your identity before releasing any information, which will normally be in electronic format.
- **Right of Rectification.** You are entitled to have personal data rectified if it is inaccurate or incomplete. LGfL will respond within one month of your request. In the unlikely event LGfL does not take action to the request for rectification, LGfL will inform you of your rights to complain or seek judicial remedy.
- **Right of Erasure.** You may request the deletion or removal of personal data where there is no compelling reason for its continued processing. The Right to Erasure does not provide an absolute '*right to be forgotten*,' especially once the processing is based upon a contract. However, you do have a right to

have personal data erased and to prevent processing in specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed; ○ When you withdraw consent (and this is the basis of processing); ○ When you object to the processing and there is no overriding legitimate interest for continuing the processing;
 - The personal data was unlawfully processed;
 - The personal data has to be erased in order to comply with a legal obligation; and
 - The personal data is processed in relation to the offer of information society services to a child.
- **Right to Restrict Processing.** Under the Act, you have a right to ‘*block*’ or suppress processing of personal data. The restriction of processing under the GDPR is similar. When processing is restricted, LGfL is permitted to store the personal data, but not further process it. In this event exactly what is held and why will be explained to you.
 - **Right to Data Portability.** You may request to obtain and reuse your personal data for your own purposes across different services. This allows you to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability. The Right to Data Portability only applies:
 - To personal data you have provided to LGfL;
 - Where the processing is based on your consent or for the performance of a contract; and
 - When processing is carried out by automated means.

In these circumstances LGfL will provide a copy of your data in CSV format and, or PDF free of charge, without undue delay and within one month. If there is a delay to this, you will be informed.

- **Right to Object.** You have the right to object to:
 - Processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
 - Direct marketing (including profiling); and ○ Processing for purposes of scientific/historical research and statistics.
- **Automated Decision Making and Profiling.** LGfL does not employ any automated decision-making or conduct profiling of Data Subjects. However, if you have consented to be held on our Customer Relationship Management (CRM) data base we may periodically send you marketing information so that

you are informed of upcoming events and job opportunities. These will be automated but they do not involve automated decision-making or profiling.
