



## School Privacy Notice

### What the School, Local Authority, Education Achievement Service for South East Wales and Welsh Government does with the Educational Information they hold on Children and Young People

#### Subject

To meet the requirements of the Data Protection Act 1998, schools are required to issue a Privacy Notice to children and young people and/or parents and guardians summarising the information held on record about children and young people, why it is held, and the third parties to whom it may be passed.

This Privacy Notice provides information about the collection and processing of children's or young people's personal and performance information by the Welsh Government, Newport City Council (LA), the Education Achievement Service for South East Wales (EAS) and Ysgol Gymraeg Bro Teyrnnon.

#### The collection of personal information

The school collects information about children and young people and their parents or legal guardians when children and young people enrol at the school. The school also collects information at other key times during the school year and may receive information from other schools/Early Years providers when children and young people transfer.

The School processes the information it collects to administer the education it provides to children and young people. For example:

- the provision of educational services to individuals;
- monitoring and reporting on pupils'/children's educational progress;
- monitoring and reporting on pupil's/children's conduct;
- the provision of welfare, pastoral care and health services;
- the giving of support and guidance to children and young people, their parents and legal guardians;
- the organisation of educational events and trips;
- the planning and management of the school.

#### Welsh Government, Local Authority (LA) and the Education Achievement Service for South East Wales (EAS)

The Welsh Government receives information on school pupils normally as part of the Pupil Level Annual Schools Census (PLASC). The Welsh Government may receive information on children who attend LA funded early years provision in non-maintained settings. The Welsh Government uses this personal information for research (carried out in a way that ensures individual children and young people cannot be identified) and for statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. Examples of the sort of statistics produced can be viewed at [www.wales.gov.uk/statistics](http://www.wales.gov.uk/statistics)

The LA and the EAS also use the personal information collected to do research. They use the results of this research to make decisions on policy and the funding of schools, to calculate the performance of schools and help them to set targets. The research is carried out in a way that ensures individual children and young people cannot be identified.

In addition the Welsh Government, LAs and the EAS receive information regarding National Curriculum assessment and public examination results and attendance data at individual pupil level.

### **Personal information held**

The sort of personal information that will be held includes:

- personal details such as name, address, date of birth, child/young person identifiers and contact details for parents and guardians;
- information on any special educational needs;
- information on performance in internal and national assessments and examinations;
- information on conduct and any disciplinary action taken;
- information on the ethnic origin and national identity of children and young people (this is used only to prepare summary statistical analyses);
- details about children's and young people's immigration status (this is used only to prepare summary statistical analyses);
- medical information needed to keep children and young people safe while in the care of the school;
- information on attendance and any disciplinary action taken;
- information about the involvement of social services with individual children and young people where this is needed for the care of the child/young person.

### **Organisations which may share personal information**

Information held by the school, Early Years providers, LA, the EAS and the Welsh Government on children and young people, their parents or legal guardians may also be shared with other organisations when the law allows, for example:

- other education and training bodies, including schools, when children and young people are applying for courses or training, transferring schools or seeking guidance on opportunities;
- bodies doing research for the Welsh Government, LA and schools/Early Years providers, as long as steps are taken to keep the information secure;
- central and local government for the planning and provision of educational services;
- social services and other health and welfare organisations where there is a need to share information to protect and support individual children and young people;
- various regulatory bodies, such as ombudsmen and inspection authorities, where the law requires that information be passed on so that they can do their work;
- the Office of National Statistics (ONS) in order to improve the quality of migration and population statistics
- examination bodies and other education based testing services for the purpose of administering and awarding pupil results
- bodies doing work on behalf of Welsh Government initiatives such as Hwb, the all Wales digital learning platform

Children and young people have certain rights under the Data Protection Act, including a general right to be given access to personal data held about them by any “data controller.” The presumption is that, by the age of 12, children and young people have sufficient maturity to understand their rights and to make an access request themselves if they wish. A parent would normally be expected to make a request on a child’s behalf if the child is younger.

If you wish to access your personal data, or that of your child, then please contact the relevant organisation in writing. Details of this organisation can be found on the following website [www.newportlearn.net/broteyrnon/](http://www.newportlearn.net/broteyrnon/) or [www.newport.gov.uk](http://www.newport.gov.uk). For those children and young people or parents where this is not practical, a hard copy can be obtained from the school by contacting the Head Teacher in writing.

### **Collecting attendance and personal characteristics data from schools from September 2020**

We collect a wide range of data about you on an annual basis, and this is explained in more detail in [this privacy notice](#).

Due to the Covid-19 pandemic and schools having to adapt to new ways of working, we need to be able to collect attendance data more frequently than once a year. Collecting up to date information will support us and provide the evidence we need to understand the impact of the Covid-19 pandemic on attendance and how we can support schools.

#### *How frequently are we collecting this data?*

We will keep the frequency of collection under regular review. Initially the data will be collected every week but we may need to collect the data more regularly.

#### *For which pupils are we collecting data?*

We are collecting data for every pupil in a maintained school as at September 2020.

#### *What information are we collecting?*

We are collecting the following information about you every week:

- UPN
- Forename
- Middle name(s)
- Surname
- Gender
- DOB
- Home postcode
- Ethnic background
- Eligibility for free school meals
- Additional learning needs
- English as an additional language
- Attendance code for each half day session in that week

#### *Why are we collecting this information?*

This information is needed as a key part of our response and planning during the ongoing Covid-19 pandemic. The data will be collected every week to ensure that the latest data is available to inform our

response. The data will be used for statistical and research purposes only and no decisions will be made about you using this data.

*How will we use this information?*

We will use the data in the same ways that we have listed in our [main privacy notice](#).

*Will we be sharing the data?*

We may share this information with those organisations listed in the [main privacy notice](#).

*How long will we keep the information about you?*

We will keep the data that identifies you until you are 25 years old.

*What is the legal basis for collecting this data?*

Section 538 of the Education Act 1996 provides the legal basis for collecting this data. This requires schools to make such reports and returns, and give such information, to Welsh Ministers as they may require for their functions in relation to education.

*Your rights under the GDPR*

Your rights are explained in full in the [main privacy notice](#).

### **Other information**

The Welsh Government, LA and school place a high value on the importance of information security and have a number of procedures in place to minimise the possibility of a compromise in data security.

The Welsh Government, LA and school//Early Years provider will endeavour to ensure that information is kept accurate at all times. Personal information will not be sent outside the United Kingdom.

### **Your rights under the Data Protection Act 1998**

The Data Protection Act 1998 gives individuals certain rights in respect of personal information held on them by any organisation. These rights include:

- the right to ask for and receive copies of the personal information held on yourself, although some information can sometimes be legitimately withheld;
- the right, in some circumstances, to prevent the processing of personal information if doing so will cause damage or distress;
- the right to ask for wrong information to be put right;
- the right to seek compensation if an organisation does not comply with the Data Protection Act 1998 and you personally suffer damage;
- in some circumstances, the parent or legal guardian of a child or young person may have a right to receive a copy of personal data held about a child/young person in their legal care. Such cases will be considered on an individual basis where the individual concerned is deemed to have insufficient understanding of their rights under the Act.

You also have the right to ask the Information Commissioner, who enforces and oversees the Data Protection Act 1998, to assess whether or not the processing of personal information is likely to comply with the provisions of the Act.

**Seeking further information**

For further information about the personal information collected and its use, if you have concerns about the accuracy of personal information, or wish to exercise your rights under the Data Protection Act 1998, you should contact:

- the school on (01633) 850804;
- your LA on (01633) 656656;
- the EAS on (01443) 864963;
- the Welsh Government's data protection officer at the Welsh Government, Cathays Park, Cardiff, CF10 3NQ;
- the Information Commissioner's office help line on 01625 545 745 or 0303 123 1113;
- Information is also available from [www.ico.gov.uk](http://www.ico.gov.uk).



## Hysbysiad Preifatrwydd Ysgolion

**Yr Hyn y mae'r Ysgol, yr Awdurdod Lleol, Gwasanaeth Cyflawniad Addysg De Ddwyrain Cymru, a Llywodraeth Cymru yn ei wneud â'r Wybodaeth Addysgol y maent yn ei chadw am Blant a Phobl Ifanc**

### Pwnc Trafod

Er mwyn bodloni gofynion Deddf Diogelu Data 1998, mae'n ofynnol i ysgolion roi Hysbysrwydd Preifatrwydd i blant a phobl ifanc a/neu rieni a gwarcheidwaid yn crynhoi'r wybodaeth sy'n cael ei chadw am blant a phobl ifanc mewn cofnodion, gan nodi pam mae'r wybodaeth yn cael ei chadw, a'r bobl neu'r sefydliadau y ceir rhoi'r wybodaeth honno iddynt.

Mae'r Hysbysrwydd Preifatrwydd hwn yn rhoi gwybodaeth am yr hyn sy'n digwydd pan fo Llywodraeth Cymru, Cyngor Dinas Casnewydd, Gwasanaeth Cyflawniad Addysg De Ddwyrain Cymru ac Ysgol Gymraeg Bro Teyrnnon yn casglu ac yn prosesu gwybodaeth bersonol am blant a phobl ifanc, ynghyd â gwybodaeth am eu perfformiad.

### Casglu gwybodaeth bersonol

Mae'r ysgol yn casglu gwybodaeth am blant a phobl ifanc ac am eu rhieni neu eu gwarcheidwaid cyfreithiol pan fo plant a phobl ifanc yn cofrestru gyda'r ysgol. Mae'r ysgol yn casglu gwybodaeth ar adegau allweddol eraill yn ystod y flwyddyn ysgol hefyd ac mae'n bosibl y byddant yn cael gwybodaeth oddi wrth ysgolion/darparwyr Blynyddoedd Cynnar eraill pan fo plant a phobl ifanc yn newid ysgol/darparwr.

Mae'r Ysgol yn defnyddio'r wybodaeth a gesglir i weinyddu'r addysg y mae'n ei darparu ar gyfer plant a phobl ifanc. Er enghraifft:

- darparu gwasanaethau addysgol i unigolion;
- monitro ac adrodd am gynnydd addysgol y disgyblion/plant;
- darparu gwasanaethau lles, gofal bugeiliol a gwasanaethau iechyd;
- rhoi cefnogaeth ac arweiniad i blant a phobl ifanc, eu rheini a'u gwarcheidwaid cyfreithiol;
- trefnu digwyddiadau a theithiau addysgol;
- cynllunio a rheoli'r ysgol.

### Llywodraeth Cymru a'r Awdurdod Lleol

Fel arfer, mae gwybodaeth am ddisgyblion ysgol yn dod i law Llywodraeth Cymru fel rhan o'r Cyfrifiad Ysgolion Blynyddol ar Lefel Disgyblion (CYBLD). Mae'n bosibl y bydd Llywodraeth Cymru yn cael gwybodaeth am blant mewn darpariaeth Blynyddoedd Cynnar sy'n cael ei hariannu gan yr ALL ac sy'n cael ei chynnig mewn lleoliadau nas cynhelir. Mae Llywodraeth Cymru yn defnyddio'r wybodaeth bersonol hon er mwyn gwneud gwaith ymchwil (sy'n cael ei wneud mewn modd sy'n sicrhau na ellir adnabod plant a phobl ifanc) ac at ddibenion ystadegol, er mwyn llywio polisi addysg, dylanwadu arno a'i wella, ac er mwyn monitro perfformiad y gwasanaeth addysg yn ei gyfanrwydd. Cewch weld enghreifftiau o'r mathau o ystadegau a gaiff eu paratoi yn [www.wales.gov.uk/statistics](http://www.wales.gov.uk/statistics)

Mae'r ALI a Gwasanaeth Cyflawniad Addysg De Ddwyrain Cymru (GCA) hefyd yn defnyddio'r wybodaeth bersonol a gesglir i wneud gwaith ymchwil. Maent yn defnyddio canlyniadau'r ymchwil hon i wneud penderfyniadau am bolisi ac am ariannu ysgolion, i asesu perfformiad ysgolion a'u helpu i osod targedau. Mae'r ymchwil yn cael ei gwneud mewn modd sy'n sicrhau na ellir adnabod plant a phobl ifanc unigol.

Mae Llywodraeth Cymru, ALLau a'r GCA yn cael gwybodaeth hefyd am ganlyniadau asesiadau'r Cwricwlwm Cenedlaethol ac arholiadau cyhoeddus, ynghyd â data am bresenoldeb ar lefel disgyblion unigol.

### **Yr wybodaeth bersonol a gedwir**

Dyma'r math o wybodaeth bersonol a gedwir:

- manylion personol megis enw, cyfeiriad, dyddiad geni, dynodydd y plentyn/person ifanc a manylion cyswllt rhieni a gwarcheidwaid;
- gwybodaeth am unrhyw anghenion addysgol arbennig;
- gwybodaeth am berfformiad mewn asesiadau ac arholiadau mewnol a chenedlaethol;
- gwybodaeth am dras ethnig a hunaniaeth genedlaethol plant a phobl ifanc (dim ond er mwyn paratoi dadansoddiadau ystadegol cryno y defnyddir yr wybodaeth hon);
- manylion am statws mewnfudo plant a phobl ifanc (dim ond er mwyn paratoi dadansoddiadau ystadegol cryno y defnyddir yr wybodaeth hon);
- gwybodaeth feddygol y mae ei hangen er mwyn cadw'r plant a'r bobl ifanc yn ddiogel tra bônt dan ofal yr ysgol;
- gwybodaeth am bresenoldeb ac am unrhyw gamau disgyblu a gymerwyd;
- gwybodaeth am unrhyw gysylltiad rhwng y gwasanaethau cymdeithasol a phlant a phobl ifanc unigol, os oes angen cysylltiad o'r fath er mwyn gofalu am y plentyn/person ifanc.

### **Sefydliadau sy'n cael rhannu gwybodaeth bersonol**

Caiff yr ysgol, darparwyr Blynyddoedd Cynnar, yr ALI, y GCA, a Llywodraeth Cymru rannu'r wybodaeth a gedwir am blant a phobl ifanc, ac am eu rhieni neu'u gwarcheidwaid cyfreithiol gyda sefydliadau eraill pan fydd y gyfraith yn caniatáu hynny, er enghraifft:

- cyrff addysg a chyrff hyfforddi eraill, gan gynnwys ysgolion, pan fydd plant a phobl ifanc yn gwneud cais i fynd ar gyrsiau, i gael hyfforddiant, i newid ysgol neu pan fyddant yn gofyn am gyngor ar gyfleoedd;
- cyrff sy'n gwneud ymchwil ar ran Llywodraeth Cymru, yr ALI a'r ysgolion/darparwyr Blynyddoedd Cynnar, cyn belled ag y cymerir camau i gadw'r wybodaeth yn gyfrinachol;
- llywodraeth ganolog a lleol er mwyn cynllunio a darparu gwasanaethau addysgol;
- gwasanaethau cymdeithasol a sefydliadau iechyd a lles eraill pan fo angen rhannu gwybodaeth er mwyn amddiffyn a chynorthwyo plant a phobl ifanc unigol;
- amryfal gyrff rheoleiddio, megis ombwdsmyrn ac awdurdodau arolygu, pan fo'r gyfraith yn dweud bod yn rhaid trosglwyddo'r wybodaeth honno er mwyn iddynt allu gwneud eu gwaith;
- y Swyddfa Ystadegau Gwladol er mwyn gwella ansawdd yr ystadegau am ymfudo a'r boblogaeth
- cyrff arholiadau a gwasanaethau asesiad eraill ar gyfer gweinyddu a dyfarnu canlyniadau disgyblion

- cyrff sy'n gwneud gwaith ar ran mentrau Llywodraeth Cymru, megis Hwb, Ilwyfan dysgu Cymru gyfan.

Mae gan blant a phobl ifanc hawliau penodol o dan y Ddeddf Diogelu Data, gan gynnwys hawl gyffredinol i gael gweld data personol y mae unrhyw "reolydd data" yn eu cadw amdanynt. Rhagdybir bod plant a phobl ifanc yn ddigon aeddfed yn 12 oed i ddeall eu hawliau ac i wneud cais drostynt eu hunain i weld yr wybodaeth, os dyna'u dymuniad. Fel arfer, byddai disgwyl i riant wneud cais ar ran plentyn sy'n ifancach na hynny.

Os hoffech weld y data personol sy'n cael eu cadw amdano chi, neu am eich plentyn, dylech anfon cais ysgrifenedig at y sefydliad perthnasol. Mae manylion y sefydliad hwn i'w weld ar y wefan a ganlyn: [www.newportlearn.net/broteyrnon/](http://www.newportlearn.net/broteyrnon/) neu [www.newport.gov.uk](http://www.newport.gov.uk). Os nad yw hyn yn ymarferol i blant a phobl ifanc na'u rhieni, dylent ofyn i'r ysgol am gopi caled drwy gysylltu â'r Pennaeth yn ysgrifenedig.

### **Casglu ystadegau presenoldeb a nodweddion personol oddi wrth ysgolion o fis Medi 2020 ymlaen**

Rydym yn casglu ystod eang o ddata amdano chi yn flynyddol, ac eglurir hyn yn fanylach yn yr [hysbysiad preifatrwydd hwn](#).

Oherwydd y pandemig Covid-19 ac ysgolion yn gorfod addasu i ffyrdd newydd o weithio, mae angen i ni allu casglu data presenoldeb yn amlach nag unwaith y flwyddyn. Bydd casglu'r wybodaeth ddiweddaraf yn ein cefnogi ac yn darparu'r dystiolaeth sydd ei hangen arnom i ddeall effaith pandemig Covid-19 ar bresenoldeb a sut y gallwn gefnogi ysgolion.

#### *Pa mor aml ydyn ni'n casglu'r data hwn?*

Byddwn yn cadw amllder y casglu dan adolygiad rheolaidd. I ddechrau, bydd y data'n cael ei gasglu bob wythnos ond efallai y bydd angen i ni gasglu'r data yn fwy aml.

#### *Pa ddisgyblion ydym ni'n casglu data amdanynt?*

Rydym yn casglu data am bob disgybl mewn ysgolion a gynhelir o fis Medi 2020 ymlaen.

#### *Pa wybodaeth ydym ni'n ei chasglu?*

Rydym yn casglu'r wybodaeth ganlynol amdano chi bob wythnos:

- Rhif unigryw'r disgybl (UPN)
- Enw cyntaf
- Enw(au) canol
- Cyfenw
- Rhywedd
- Dyddiad geni
- Cod post cartref
- Cefndir ethnig
- Cymhwysra ar gyfer prydau ysgol am ddim
- Anghenion dysgu ychwanegol
- Saesneg fel iaith ychwanegol
- Cod presenoldeb ar gyfer pob sesiwn hanner diwrnod yr wythnos honno

#### *Pam ydym ni'n casglu'r wybodaeth hon?*

Mae angen yr wybodaeth hon fel rhan allweddol o'n hymateb a chynllunio yn ystod y pandemig Covid-19



parhaol. Bydd y data'n cael ei gasglu'n rheolaidd i sicrhau bod y data diweddaraf ar gael i lywio ein hymateb. Byddwn yn defnyddio'r data at ddibenion ystadegol a gwaith ymchwil yn unig ac ni fydd unrhyw benderfyniadau'n cael eu gwneud yn eich cylch yn defnyddio'r data hyn.

*Sut y byddwn yn defnyddio'r wybodaeth hon?*

Byddwn yn defnyddio'r data yn yr un ffyrdd ag yr ydym wedi'u rhestru yn ein [prif hysbysiad preifatrwydd](#)

*A fyddwn ni'n rhannu'r data?*

Mae'n bosibl byddwn yn rhannu'r data gyda'r sefydliadau yr ydym wedi'u rhestru yn ein [prif hysbysiad preifatrwydd](#)

*Pa mor hir y byddwn yn cadw'r wybodaeth amdanoch?*

Byddwn yn cadw'r data sy'n ei gwneud yn bosibl eich adnabod chi hyd nes y byddwch yn 25 oed.

*Beth yw'r sylfaen gyfreithiol ar gyfer casglu'r data hwn?*

Mae adran 538 o Ddeddf Addysg 1996 yn darparu'r sylfaen gyfreithiol ar gyfer casglu'r data hwn. Mae hyn yn ei gwneud yn ofynnol i ysgolion wneud unrhyw adroddiadau a ffurflenni, a rhoi unrhyw wybodaeth, i Weinidogion Cymru y bydd eu hangen arnynt ar gyfer eu swyddogaethau mewn perthynas ag addysg.

*Eich hawliau o dan y GDPR*

Esbonnir eich hawliau yn llawn yn ein [prif hysbysiad preifatrwydd](#).

### **Gwybodaeth arall**

Mae cadw gwybodaeth yn ddiogel yn bwysig iawn i Lywodraeth Cymru, i'r ALL ac i'r ysgol, ac mae ganddynt nifer o weithdrefnau er mwyn lleihau unrhyw berygl posibl i ddiogelwch yr wybodaeth honno.

Bydd Llywodraeth Cymru, yr ALL a'r ysgol yn ceisio sicrhau bod yr wybodaeth a gedwir yn gywir bob amser. Ni fydd gwybodaeth bersonol yn cael ei hanfon y tu allan i'r Deyrnas Unedig.

### **Eich hawliau o dan Ddeddf Diogelu Data 1998**

Mae Deddf Diogelu Data 1998 yn rhoi hawliau penodol i unigolion o ran yr wybodaeth bersonol a gedwir amdanynt gan unrhyw sefydliad. Ymhlith yr hawliau hyn mae:

- yr hawl i ofyn am weld a chael copïau o'r wybodaeth bersonol a gedwir amdanoch chi, er bod cyfiawnhad weithiau dros gadw peth gwybodaeth yn ôl;
- yr hawl, o dan rai amgylchiadau, i atal gwybodaeth bersonol rhag cael ei phrosesu pe byddai hynny'n achosi niwed neu ofid;
- yr hawl i ofyn am gael cywiro gwybodaeth sy'n anghywir;
- yr hawl i ofyn am iawndal os nad yw sefydliad yn cadw at Ddeddf Diogelu Data 1998 a'ch bod chi'n bersonol yn dioddef niwed;
- o dan rai amgylchiadau mae'n bosibl y bydd gan riant neu warcheidwad cyfreithiol plentyn neu berson ifanc yr hawl i gael copi o'r data personol a gedwir am blentyn/person ifanc sydd o dan eu gofal cyfreithiol hwy. Bydd achosion o'r fath yn cael eu hystyried yn unigol os bernir nad oes gan yr unigolyn ddigon o ddealltwriaeth o'i hawliau o dan y Ddeddf.

Mae gennych yr hawl hefyd i ofyn i'r Comisiynydd Gwybodaeth, sy'n gyfrifol am orfodi a goruchwylio Deddf Diogelu Data 1998, asesu a yw'n debygol bod yr wybodaeth wedi cael ei phrosesu yn unol â darpariaethau'r Ddeddf ai peidio.

### **Gofyn am ragor o wybodaeth**

I gael rhagor o wybodaeth am yr wybodaeth bersonol a gasglwyd ac ynghylch sut mae'n cael ei defnyddio, neu os ydych yn pryderu ynghylch pa mor gywir yw'r wybodaeth honno, neu os ydych yn dymuno arfer eich hawliau o dan Ddeddf Diogelu Data 1998, dylech gysylltu â:

- yr ysgol ar (01633) 850804;
- eich ALI (01633) 656656;
- y GCA ar (01443) 864963
- swyddog diogelu data Llywodraeth Cymru, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ;
- llinell gymorth swyddfa'r Comisiynydd Gwybodaeth ar 01625 545 745 neu 0303 123 1113;
- mae gwybodaeth ar gael hefyd oddi wrth [www.ico.gov.uk](http://www.ico.gov.uk).

### 1. Introduction to this Policy

1.1. This privacy policy ("Policy") relates to:

1.1.1. the website at <https://www.edukey.co.uk>, any subdomain or any such related website and/or mobile application for such website (together the "Website"); and/or

1.1.2. the System, as set out in the relevant Purchase Order or system registration.

1.2. You should read this Policy carefully as it contains important information about how we will use your Information (as defined below in clause 4.1). In certain circumstances (see below) you will be required to indicate your consent to the processing of your Information as set out in this Policy when you first submit such Information to or through the Website. For further information about consent see clause 7 below.

1.3. We may update this Policy from time to time in accordance with clause 18 below. This Policy was last updated on June 3rd 2018.

### 2. About us

2.1. The terms "Edukey" or "us" or "we" refer to Edukey Education Limited, the owner of the Website. We are a company registered in England and Wales under company number 05855261 whose registered office is at Tes Global Ltd, 26 Red Lion Square, London, WC1R 4HQ. The term "you" refers to the individual accessing and/or submitting Information to the Website.

2.2. We have developed and provide access to the Systems which are software tools for use by schools, colleges and universities to manage pupil information.

### 3. Data Protection

3.1. References in this Policy to:

3.1.1. "Privacy and Data Protection Requirements" means: the Data Protection Act 2018 ("DPA"); the General Data Protection Regulation 2016/679 ("GDPR") or any equivalent provision which may replace the GDPR following the formal political separation of the United Kingdom from the European Union; the Regulation of Investigatory Powers Act 2000; the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699); the Electronic Communications Data Protection Directive (2002/58/EC); the Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2426/2003); and all applicable laws and regulations which may be in force from time to time relating to the processing of Personal Data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner or any other supervisory authority, and the equivalent of any of the foregoing in any relevant jurisdiction; and

3.1.2. "Personal Data", "Data Controller" and "Data Processor" and "processing" shall have the meanings given to them in the DPA or, from 25 May 2018, the GDPR.

3.2. This Policy applies to the Personal Data that we collect from you when you submit information to us via the Website or during the registration process. This policy does not apply to the information that the System stores or holds about any school staff, pupils or parents which is stored in accordance with our terms and conditions, which can be found at <https://www.edukey.co.uk/edukey-terms-conditions/> and our Information Sharing agreement with the relevant school.

3.3. For the purposes of applicable Privacy and Data Protection Requirements, we are a Data Controller and therefore we are responsible for, and control the processing of, your Personal Data in accordance with

applicable Privacy and Data Protection Requirements. “Personal Data” has a legal definition but, in brief, it refers to information from which a living person can be identified. Such information must be protected in accordance with applicable Privacy and Data Protection Requirements.

#### **4. Information we may collect about you**

4.1. When you use the Website, register for our applications or when you otherwise deal with us we may collect the following information about you (“Information”):

4.1.1. personal information including first and last name;

4.1.2. contact information including primary email address and/or primary phone number;

4.1.3. technical information including IP address, operating system, browser type and related information regarding the device you used to visit the Website, the length of your visit and your interactions with the Website; and

4.1.4. information obtained through our correspondence and monitoring in accordance with clause 12 below.

4.2. We may monitor your use of the Website through ‘cookies’ and similar tracking technologies. We may also monitor traffic, location and other data and information about users of the Website. Such data and information, to the extent that you are individually identifiable from it, shall constitute Information as defined above. However, some of this data will be aggregated or statistical, which means that we will not be able to identify you individually. See clause 17 below for further information on our use of cookies.

4.3. Occasionally we may receive information about you from other sources, for example from any third party websites and applications that integrate or communicate with the Website in relation to you. If so, we will add this information to the Information we already hold about you in order to help us carry out the activities listed below.

#### **5. How long we keep your Information**

5.1. Subject to clause 5.2, we will keep your Information only for as long as we need to hold it for the purposes set out in clause 8 below.

5.2. If required, we will be entitled to hold Information for longer periods in order to comply with our legal or regulatory obligations.

#### **6. Legal basis for processing your information**

6.1. From 25 May 2018, under applicable Privacy and Data Protection Requirements we may only process your Information if we have a “legal basis” (i.e. a legally permitted reason) for doing so. For the purposes of this Policy, our legal basis for processing your Information is:

6.1.1. your consent (for which see clause 7 below); or

6.1.2. because the processing is necessary for the performance of a contract you have entered into with us (i.e. your contract with us as set out in this Policy and our website terms and conditions available at <https://www.edukey.co.uk/edukey-terms-conditions/> or for taking any preliminary steps that are required before you can enter into such a contract (provided we only do this at your request); or

6.1.3. subject to your rights set out in clause 15 below, the legitimate interest of providing services to our users through the Website, which requires the processing of your Information to enable us to provide these services.

## **7. Your consent to processing**

7.1. As noted above, you will be required to give consent to certain processing activities before we can process your Information as set out in this Policy. Where applicable, we will seek this consent from you when you first submit Information to or through the Website.

7.2. If you have previously given consent you may freely withdraw such consent at any time. You can do this through your account on the Website or by notifying us in writing (see clause 21 below).

7.3. If you withdraw your consent, and if we do not have another legal basis for processing your information (see clause 6 above), then we will stop processing your Information. If we do have another legal basis for processing your information then we may continue to do so subject to your legal rights (for which see clause 15 below).

7.4. Please note that if we need to process your Information in order to operate the Website and/or provide our services, and you object or do not consent to us processing your Information, the Website and/or those services may not be available to you.

## **8. How we use your Information**

We may process Information held about you for the following purposes:

8.1. to operate, administer, maintain, provide, analyse and improve the Website and/or the System and the services available through the Website and/or related to the System;

8.2. to investigate and address any comments, queries or complaints made by you regarding the Website and/or the System, and any similar or related comments, queries or complaints from other users;

8.3. to ensure that content from the Website and/or the System is presented in the most effective manner for you and for your device;

8.4. to conduct research, statistical analysis and behavioural analysis (including anonymizing data for these purposes);

8.5. to provide insights based on aggregated, anonymous data collected through the research and analysis referred to at 8.4 above;

8.6. for administration, maintenance and improvements of the Website and/or the System and/or our services;

8.7. to allow you to participate in interactive features of the Website, including inputting information and providing feedback;

8.8. to contact you for marketing purposes (see 'Marketing and opting out' in clause 9 below);

8.9. to disclose your information to selected third parties as permitted by this Policy (see clause 10 below);

8.10. to notify you about changes to the Website and/or the System; and

8.11. to comply with our legal obligations, including obligations relating to the protection of Personal Data.

## **9. Marketing and opting out**

9.1. If you have given permission, we may contact you by [telephone and email] about our products, services, promotions and special offers that may be of interest to you. We will inform you (before collecting your data) and seek your permission if we intend to use your data for such purposes. If you prefer not to

receive any direct marketing communications from us, or you no longer wish to receive them, you can opt out at any time (see below).

9.2. If you have given permission, we may contact you by [mail, telephone and email] to provide information about products, services, promotions, special offers and other information we think may be of interest to you from carefully selected third parties. We will inform you (before collecting your data) if we intend to use your data for such purposes. If you would rather not receive such third party marketing information from us, or you no longer wish to receive it, you can opt out at any time (see below).

9.3. If you have given permission, we may share your personal data with carefully selected third party organisations and business partners and they may contact you directly (unless you have asked them not to do so) by [mail, telephone and email] about products, services, promotions and special offers that may be of interest to you. We will inform you (before collecting your data) and seek your permission if we intend to disclose your data to third parties for such purposes. If you prefer not to receive direct marketing communications from our business partners, or you no longer wish to receive them, you can opt out at any time (see below).

9.4. You have the right at any time to ask us, or any third party, to stop processing your information for direct marketing purposes. If you wish to exercise this right, you should contact us by sending an email to support@edukey.co.uk, or contact the relevant third party using their given contact details, giving us or them enough information to identify you and deal with your request. Alternatively you can follow the unsubscribe instructions in emails you receive from us or them.]

## **10. Disclosure of your information**

10.1. We may disclose your Information (including Personal Data):

10.1.1. to other companies within our group of companies (which means our subsidiaries, our ultimate holding company and its subsidiaries, as defined in section 1159 of the UK Companies Act 2006);

10.1.2. to our business partners, service providers or third-party contractors to enable them to undertake services for us and/or on our behalf (and we will ensure they have appropriate measures in place to protect your Information);

10.1.3. to any prospective buyer or seller (and their representatives) in the event that we sell or buy any business or assets;

10.1.4. if we are under a duty to disclose or share Personal Data in order to comply with any legal obligation, including (but not limited to) any request or order from law enforcement agencies and/or HMRC in connection with any investigation to help prevent unlawful activity; and

10.1.5. to other third parties if you have specifically consented to us doing so.

10.2. We may disclose aggregated, anonymous information (i.e. information from which you cannot be personally identified), or insights based on such anonymous information, to selected third parties, including (without limitation) analytics and search engine providers to assist us in the improvement and optimisation of the Website. In such circumstances we do not disclose any information which can identify you personally.

10.3. If our whole business is sold or integrated with another business your Information may be disclosed to our advisers and any prospective purchasers and their advisers and will be passed on to the new owners of the business.

## **11. Keeping your Information secure**

11.1. We will use technical and organisational measures in accordance with good industry practice to safeguard your Information, including the use of data encryption.

11.2. While we will use all reasonable efforts to safeguard your Information, you acknowledge that the use of the internet is not entirely secure and for this reason we cannot guarantee the security or integrity of any Information that is transferred from you or to you via the internet.

## **12. Monitoring**

We may monitor and record communications with you (such as telephone conversations and emails) for the purposes of provision of services, quality assurance, training, fraud prevention and compliance purposes. Any information that we receive through such monitoring and communication will be added to the information we already hold about you and may also be used for the purposes listed in clause 8 above.

## **13. Overseas transfers**

13.1. From time to time we may need to transfer your Information to countries outside the European Economic Area, which comprises the EU member states plus Norway, Iceland and Liechtenstein ("EEA").

13.2. Such countries may not have similar protections in place regarding protection and use of your data as those set out in this Policy. Therefore, if we do transfer your Information to countries outside the EEA we will take reasonable steps in accordance with applicable Privacy and Data Protection Requirements to ensure adequate protections are in place to ensure the security of your Information, including:

13.2.1. [use of approved contractual clauses; and]

13.2.2. [ensuring that we only transfer your Information to persons or entities that are appropriately authorised and/or accredited to process Personal Data in compliance with applicable Privacy and Data Protection Requirements.]

13.3. By submitting your Information to us in accordance with this Policy you consent to these transfers for the purposes specified in this Policy.

## **14. Information about other individuals**

If you give us information on behalf of a third party, you confirm that the third party has appointed you to act on his/her/their behalf and has agreed that you can: give consent on his/her/their behalf to the processing of his/her/their Information; receive on his/her/their behalf any data protection notices; and give consent to the transfer of his/her/their Information abroad (if applicable).

## **15. Your rights**

If you are an individual, this section sets out your legal rights in respect of any of your Personal Data that we are holding and/or processing. If you wish to exercise any of your legal rights you should put your request in writing to us (using our contact details in clause 21 below) giving us enough information to identify you and respond to your request.

15.1. You have the right (which may be subject to the payment of a small fee depending on when you request this right) to request information about Personal Data that we may hold and/or process about you, including: whether or not we are holding and/or processing your Personal Data; the extent of the Personal Data we are holding; and the purposes and extent of the processing.

15.2. You have the right to have any inaccurate information we hold about you be corrected and/or updated. If any of the Information that you have provided changes, or if you become aware of any inaccuracies in such Information, please let us know in writing giving us enough information deal with the change or correction.

15.3. You have the right in certain circumstances to request that we delete all Personal Data we hold about you (the 'right of erasure'). Please note that this right of erasure is not available in all circumstances, for example where we need to retain the Personal Data for legal compliance purposes. If this is the case we will let you know.

15.4. You have the right in certain circumstances to request that we restrict the processing of your Personal Data, for example where the Personal Data is inaccurate or where you have objected to the processing (see clause 15.6 below).

15.5. You have the right to request a copy of the Personal Data we hold about you and to have it provided in a structured format suitable for you to be able to transfer it to a different data controller (the 'right to data portability'). Please note that the right to data portability is only available in some circumstances, for example where the processing is carried out by automated means. If you request the right to data portability and it is not available to you we will let you know.

15.6. You have the right in certain circumstances to object to the processing of your Personal Data. If so, we shall stop processing your Personal Data unless we can demonstrate sufficient and compelling legitimate grounds for continuing the processing which override your own interests. If, as a result of your circumstances, you do not have the right to object to such processing then we will let you know.

15.7. You have the right in certain circumstances not to be subject to a decision based solely on automated processing, for example where a computer algorithm (rather than a person) makes decisions which affect your contractual rights. Please note that this right is not available in all circumstances. If you request this right and it is not available to you we will let you know.

15.8. You have the right to object to direct marketing, for which see clause 9.4 above.

## **16. Complaints**

If you have any concerns about how we collect or process your Information then you have the right to lodge a complaint with a supervisory authority, which for the UK is the UK Information Commissioner's Office ("ICO"). Complaints can be submitted to the ICO through the ICO helpline by calling 0303 123 1113. Further information about reporting concerns to the ICO is available at <https://ico.org.uk/concerns/>.

## **17. 'Cookies' and related software**

17.1. Our software may issue 'cookies' (small text files) to your device when you access and use the Website (e.g. when you first visit our website). Cookies do not affect your privacy and security since a cookie cannot read data off your system or read cookie files created by other sites.

17.2. Our Website uses cookies and other tracking and monitoring software to: distinguish our users from one another; collect standard Internet log information; and to collect visitor behaviour information. The information is used to track user interactions with the Website and allows us to provide you with a good experience when you access the Website, helps us to improve our Website, and allows us to compile statistical reports on Website visitors and Website activity.

17.3. You can set your system not to accept cookies if you wish (for example by changing your browser settings so cookies are not accepted), however please note that some of our Website features may not



function if you remove cookies from your system. For further general information about cookies please visit [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org).

### **18. Changes to this Policy**

18.1. We keep this Policy under regular review and may change it from time to time. If we change this Policy we will post the changes on this page, and place notices on other pages of the Website as applicable, so that you may be aware of the Information we collect and how we use it at all times. You are responsible for ensuring that you are aware of the most recent version this Policy as it will apply each time you access the Website.

18.2. This Policy was last updated on 3rd June 2018.

### **19. Links to other websites**

Our Website may contain links to other websites. This Policy only applies to our Website. If you access links to other websites any Information you provide to them will be subject to the privacy policies of those other websites.

### **20. Accessibility**

This Policy aims to provide you with all relevant details about how we process your Information in a concise, transparent, intelligible and easily accessible form, using clear and plain language. If you have any difficulty in reading or understanding this Policy, or if you would like this Policy in another format (for example audio, large print or braille), please get in touch with us.

### **21. Contact us**

We welcome your feedback and questions on this Policy. If you wish to contact us, please email us at [support@edukey.co.uk](mailto:support@edukey.co.uk) or call us on 01348 800 100