



PRIVACY NOTICE FOR STUDENTS, SERVICE USERS AND PARENTS/GUARDIANS/ CARERS

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1 Introduction

- 1.1 We ask that you read this Privacy Notice carefully as it contains important information on who we are, how and why we collect, store, use and share ("process") personal information, your rights in relation to your personal information and on how to contact us and supervisory authorities in the event you have a complaint.
- 1.2 "Student" throughout this document refers to any service user of the College funded through Local Authority, Social Services or privately.
- 1.3 "Parent" throughout this document refers to parents, carers and guardians of students in QAC's care.

2 What is Personal Information?

- 2.1 Personal information is information that identifies you as an individual and relates to you. This can include your contact details, next of kin and health information. We may also hold information such as your religion or ethnic group. Photos and CCTV are also examples of personal information.

3 Who We Are

- 3.1 Queen Alexandra College (QAC) is a Specialist College for young people and adults with disabilities.
- 3.2 QAC is a registered Charity (Number 1065794) and Company limited by guarantee (Company No: 3387540). Our registered office and main site is at 49 Court Oak Road, Harborne, Birmingham B17 9TG.

4 Responsibility for Data Protection at QAC

QAC collects, uses and is responsible for certain personal information about you. When we do so we are regulated under the Data Protection Act 1998 and the General Data Protection Regulation (2018). QAC is responsible as 'controller' of that personal information for the purposes of those laws.

5 Information collected by us

- 5.1 In the course of running QAC and delivering educational and care services we collect the following personal information about our students when you provide it to us:
 - names, addresses, telephone numbers, e-mail addresses and other contact details for parents and next of kin;
 - Information about members of your family, your family relationships and family circumstances (including eligibility for bursary funds and free college meals). We may also need information about any court orders or criminal petitions which relate to you so that we can comply with safeguarding obligations to protect students' welfare and well-being;
 - Name, home address and date of birth of student;
 - National Insurance Number (for students over the age of 19);
 - NHS number for student;
 - Unique pupil number (UPN) or unique learner number (ULN) of student;
 - Ethnicity and religion of student;



- References given or received by QAC about students and information provided by other educational establishments and/ or other professionals or organisations working with students;
 - Information about health and medical requirements, including personal care information;
 - dietary requirements and allergies
 - Copies of Education, Health and Care Plans (EHCPs) and Statement of Special Educational Needs (including information about learning difficulties or disabilities);
 - Education, care and therapy reports from previous education providers;
 - Individual Learning Plans;
 - Meeting minutes (regarding education, care and therapy, progress and behaviour);
 - Case notes and clinical notes (regarding medical, care, behaviour and therapy);
 - Annual review documentation;
 - Social worker details and safeguarding information;
 - Bank details and other financial information (where required);
 - Attendance and behaviour records
 - Assessment and attainment information including student work and marks;
 - We may take pictures of students for the purpose of admission and/or reports to support their education and development;
 - We may take pictures of you and/or your child at QAC events to use in marketing material. This is usually to show prospective parents and students what we do and to keep our current parents informed of events. This is always with your consent;
 - We use CCTV at QAC to ensure the site is safe;
 - Trips and activities information;
 - Progression data in terms of establishments attended after leaving QAC such as educational institution or supported living services attended.
- 5.2 We process this information in order to enable registration of a student at QAC, provide education services, care and therapy services and for the purposes of management planning and forecasting. Data is also used to comply with relevant statutory requirements – for example funding data required by the Education and Skills Funding Agency (ESFA).
- 5.3 This Privacy Notice applies alongside any other information QAC may provide about a particular use of personal data, for example when collecting student data via an online or paper form.
- 5.4 This Privacy Notice also applies in addition to QAC's other relevant policies/guidance, including:
- Data Protection Policy;
 - Data Management Policy (including IT Acceptable Use and E-Safety policies);
 - CCTV Policy;
 - QAC Safeguarding Policy, including the reporting and recording of concerns and incidents;



6 Information collected from other sources

6.1 We collect and hold personal information relating to our students, much of which is collected via our application form process, but may also receive information about them from other sources, including:

- Parents/Guardians/ Carers
- Previous school/college
- Local Authority / Social Services
- Department for Education (DfE)
- Health professionals

7 Who we share your personal information with

7.1 Routine Data Sharing

7.1.1 QAC routinely shares personal information with:

- Department for Education (DfE) including Education and Skills Funding Agency (ESFA)
- Ofsted and CQC as required;
- Past and future educational establishments – usually on request from other schools;
- Others with Parental Responsibility for a student;
- Local Authority (e.g. SEN Team, Adult Social Care Team, Health Team);
- Examination Awarding Bodies

7.2 Education & Skills Funding Agency (ESFA) and Department for Education (DfE)

7.2.1 Student personal data is used by the DfE and ESFA to exercise its functions and to meet its statutory responsibilities including creation of a unique learner number and a personal learning record (PLR).

7.2.2 The DfE and ESFA share student personal data with third parties for education, training, employment and well-being related purposes, including for research where legislation allows them to do so and the sharing is in compliance with data protection legislation.

7.2.3 For further information about the DfE's and ESFA's use of and access to student personal data along with details of organisations they regularly share data with please visit: <https://www.gov.uk/government/publications/esfa-privacy-notice>

7.3 Third party Suppliers

7.3.1 In accordance with the relevant data protection legislation, some of QAC's processing activity is carried out on its behalf by third parties, such as IT systems, web developers and cloud storage providers.

7.3.2 There may also be occasions where data is shared with other contractors and suppliers, such as education software providers, document destruction services, consultants and other experts such as educational psychologists or therapists.



7.3.3 This type of data sharing is always subject to contractual assurances that personal data will be kept securely and only in accordance with QAC's specific directions.

7.3.4 QAC will need to share personal information relating to its community with third parties, such as professional advisors or relevant authorities, such as the Local Authority, DfE or ESFA.

7.4 Other data sharing

7.4.1 We will share personal information with law enforcement or other authorities if required by applicable law.

7.4.2 QAC may also be required to share information with:

- The Police, for example where we have safeguarding concerns of a serious nature;
- With other emergency services if there is an emergency while students are in our care;
- Consultants, experts and other professional advisors to assist QAC in properly running the college;
- Our insurance company, for example if there is an incident on one of the QAC sites;
- Organisations that QAC works with to support our students. For example some organisations may offer support regarding trips we organise or provide work experience activities; and
- Health professionals in order to effectively meet the health care needs of the student.

7.4.3 We will not share your personal information with any other third party.

8 Whether information has to be provided by you, and if so why

8.1 We will ask for information from you that we need to deliver our services to you, comply with our legal duties, improve our services and monitor equality of opportunity.

8.2 The consequences of our use of your personal information include delivery of educational services to students and communication with their parents.

8.3 We will inform you at the point of collecting information from you, whether you are required to provide the information to us.

9 How long your personal information will be kept

9.1 QAC will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. In the first instance, we will keep your information for as long as we need to provide education and care services to students. We will then keep some information after the student has left QAC.

9.2 We hold personal data in line with QAC's retention guidance. If you have any specific queries about how this is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact our Data Protection Officer (see 'How to contact us' below).

10 The legal basis on which we collect and use your personal information.

10.1 Generally, the information is processed as part of our public interest task of providing education to you.



- 10.2 Where that information is special category personal information (e.g. medical information) we will process it because there is a substantial public interest for us to do so.
- 10.3 In certain circumstances QAC may ask for specific consent to use information in certain ways. Where QAC is relying on consent as a means to process personal data, an individual may withdraw this consent at any time. Any use of your information before withdrawing consent remains valid.
- 10.4 QAC will rely on parental consent to process data relating to students under the age of 18 (if consent is required). For students over the age of 18 we rely on the students consent. Parents should be aware that in such circumstances they may not be consulted on the request or receipt of consent from the young person – although this will ultimately depend on the interests of the young person, the parents' rights at law and all the circumstances.
- 10.5 In general, QAC will assume that students' consent is not required for ordinary disclosure of their personal data to their parents. This communication is important for the purposes of keeping parents/ carers/ guardians informed about the student's activities, progress and behaviour. Parents should be aware that where a student seeks to raise concerns confidentially with a member of staff at QAC and expressly withholds their consent to disclose this information, QAC may be under an obligation to maintain confidentiality, unless disclosure is in the best interests of the student or other students or required by law.
- 10.6 Students are required to respect the personal data and privacy of others.
- 10.7 Please send any notifications of withdrawal of consent to our Data Protection Officer in the first instance.

11 Keeping your personal information secure

- 11.1 QAC will use appropriate technical and organisational measures to ensure the security of personal data and has a number of policies and procedures in place in this regard.
- 11.2 We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.
- 11.3 All staff and Trustees will be made aware of this Privacy Notice, their duties under data protection law and all will receive the appropriate level of training in relation to the same.
- 11.4 We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.
- 11.5 If you want detailed information from Get Safe Online on how to protect your information and your computers and devices against fraud, identity theft, viruses and many other online problems, please visit www.getsafeonline.org. Get Safe Online is supported by HM Government and leading businesses.



12 Monitoring College IT

12.1 We filter web content and monitor use of the College's equipment and computers and what websites students go on. This is because we have legal obligations to protect students, and we also have a legitimate interest in making sure students are using our computer equipment correctly and are not looking at any inappropriate content.

13 Who has access to personal information

13.1 Personal data collected by QAC will, for the most part, remain within QAC and will be processed by appropriate individuals only in accordance with access protocols by staff on a need-to-know basis.

13.2 Parents and students are reminded that QAC, as an education provider, has a number of duties imposed by law and statutory guidance in relation to recording and reporting incidents and concerns that arise or are reported to it. There may be an obligation to report some cases regardless of whether they are proven at that stage and in particular, where their nature or regularity means that they meet the threshold for referral. In some instances, notes on safeguarding files, personnel or student files may need to be referred to the relevant authorities such as the Safeguarding Board or Police. For further information on this, please see QAC's Safeguarding Policy, which is available on the QAC website.



14 Coronavirus Test and Trace **New October 2020**

Update to the processing of your information with respect to coronavirus

- 14.1 This section specifically relates to QAC's response to the 2020 Coronavirus pandemic.
- 14.2 The College will collect and process any data regarding COVID-19 which is needed to maintain the safety of students, staff and others who have dealings with the College, and to meet Government requirements.
- 14.3 Data collected may include symptoms, test results, and contacts, and information will be shared with the agencies such as NHS Test and Trace, and public health services as necessary to comply with the law and to protect students, staff and the public. Data will not be shared where it is not necessary for safety reasons or required by law.

NHS Test and Trace

- 14.4 As a student, service user, parent or guardian who may have visited QAC, we request that you inform us as soon as you suspect you may have, or test positive for, coronavirus. The latest advice regarding symptoms of coronavirus and what you should do is available at <https://www.nhs.uk/conditions/coronavirus-covid-19/>
- 14.5 Students or service users should contact the College as normal, reporting if they have tested positive, or suspect that they are suffering from, Coronavirus.
- 14.6 We will use the report of your illness for our usual student absence processes. Please inform the College if you were in close contact with college students or staff in the 48 hours before you tested positive. This helps the efforts of our internal contact tracing process, the NHS Test and Trace Service and helps to keep our staff and students safe.
- 14.7 Students or Service Users who have reported a positive test or self-isolation due to suspected coronavirus will have this information recorded [on College systems], and this may be shared with QAC staff as necessary in order to protect the health of students and other staff. Your privacy will always be protected wherever possible.
- 14.8 Our legal basis for processing this information is our obligation to comply with Health and Safety, and your health information will be processed on the special category condition of public interest in the area of public health. This information will be retained for at least the period of the College's response to coronavirus, following which retention of necessary information related to it will be reviewed.

NHS Test and Trace and the Law

- 14.9 The law on protecting personally identifiable information, known as the General Data Protection Regulation (GDPR), allows Public Health England to use the personal information collected by NHS Test and Trace.
- 14.10 The section of the GDPR that applies is:

Article 6(1)(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' As information about health is a special category of personal information, a further section of the GDPR applies:
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Article 9(2)(i) – ‘processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare’

Public Health England also has special permission from the Secretary of State for Health and Social Care to use personally identifiable information without people’s consent where this is in the public interest. This is known as ‘Section 251’ approval and includes the use of the information collected by NHS Test and Trace to help protect the public from coronavirus. The part of the law that applies here is Section 251 of the National Health Service Act 2006 and the associated Health Service (Control of Patient Information) Regulations 2002.

14.11 The above addition to the Privacy Notice will continue to be reviewed, in line with Government and College requirements, in response to Covid-19.



15 COVID-19 Testing Privacy Statement ** New January 2021**

Ownership of Personal Data

- 15.1 This section specifically relates to QAC's response to the 2020 Coronavirus pandemic and specifically the introduction of mass testing at QAC.
- 15.2 To enable the Covid-19 testing to be completed at Queen Alexandra College, we need to process personal data for staff and Service Users taking part, including sharing of personal data where we have a legal obligation. Queen Alexandra College is the Data Controller for the data required for processing the tests and undertaking any actions which are needed by the College to ensure we meet our public health and safeguarding legal obligations.
- 15.3 Personal data relating to tests for Service Users is processed under the Education and Skills Act 2008.
- 15.4 Personal Data relating to staff is processed under the legitimate interest of data controller to ensure we can minimise the spread of COVID in a timely manner and enable us to continue to deliver education services safely and securely.
- 15.5 If you decline a test, we record your decision under the legitimate interest of College in order to have a record of your decisions and to reduce unnecessary contact with you regarding testing.
- 15.6 The processing of special category personal data is processed under the provisions Section 9.2(i) of GDPR, where it is in the public interest on Public Health Grounds. This data is processed under the obligations set out in Public Health legislation (Regulations 3(1) and (4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI)) which allows the sharing of data for COVID related purposes and where it is carried out by a health care professional OR someone who owes an equivalent duty of confidentiality to that data.
- 15.7 Data Controllorship is then passed to the Department for Health and Social Care (DHSC) for all data that we transfer about you and your test results to them. For more information about what they do with your data please see the Test and Trace Privacy Notice. The establishment remains the Data Controller for the data we retain about you.

Personal Data involved in the process

- 15.8 We use the following information to help us manage and process the tests:
- Name
 - Date of birth (and year group)
 - Gender
 - Ethnicity
 - Home postcode
 - Email address
 - Mobile number
 - Unique barcode assigned to each individual test and which will become the primary reference number for the tests
 - Test result
 - Parent/guardians contact details (if required).



15.9 We will only use information that is collected directly from you specifically for the purpose of the tests, even if you have previously provided us with this information.

How we store your personal information

15.10 The information will only be stored securely on local spreadsheets in college whilst it is needed. It will also be entered directly onto DHSC digital services for the NHS Test and Trace purposes. Colleges will not have access to the information on the digital service once it has been entered.

Processing of Personal Data Relating to Positive test results

15.11 The member of staff or Service User or parent/ guardian (depending on contact details provided) will be informed of the result by the College and advised how to book a confirmatory test.

15.12 We will use this information to enact our own COVID isolation processes without telling anyone who it is that has received the positive test.

15.13 The information will be transferred to DHSC, who will share this with the NHS, GPs. PHE and the Local Government will use this information for wider test and trace activities as well as statistical and research purposes.

15.14 This information is processed and shared under obligations set out in Public Health legislation under Regulations 3(1) and (4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) which allows the sharing of data for COVID related purposes.

15.15 This information will be kept by the College for the period of the College's response to coronavirus, following which retention of necessary information related to it will be reviewed and by the NHS for 8 years.

Processing of Personal Data Relating to Negative test results

15.16 We will record a negative result and the information transferred to DHSC, NHS. PHE and the Local Government who will use the information for statistical and research purposes.

15.17 This information is processed and shared under obligations set out in Public Health legislation under Regulations 3(1) and (4) of the Health Service (Control of Patient Information) Regulations 2002 (COPI) which allows the sharing of data for COVID related purposes.

15.18 This information will be kept by the College for the period of the College's response to coronavirus, following which retention of necessary information related to it will be reviewed and by the NHS for 8 years.

Processing of Personal Data relating to declining a test

15.19 We will record that you have declined to participate in a test and this information will not be shared with anyone.

Data Sharing Partners

15.20 The personal data associated with test results will be shared with



- DHSC, NHS, PHE – to ensure that they can undertake the necessary Test and Trace activities and to conduct research and compile statistic about Coronavirus.
- Your GP – to maintain your medical records and to offer support and guidance as necessary
- Local Government to undertake local public health duties and to record and analyse local spreads.

16 Transfer of your information out of the EEA

16.1 We will not transfer your information out of the UK or outside of the EEA.

17 Your rights

17.1 Under the General Data Protection Regulation you have a number of important rights free of charge. In summary, those include rights to:

- fair processing of information and transparency over how we use your personal information;
- access to your personal information and to certain other supplementary information that this Privacy Notice is already designed to address;
- require us to correct any mistakes in your information which we hold;
- require the erasure of personal information concerning you in certain situations;
- receive the personal information concerning you which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit those data to a third party in certain situations;
- object to decisions being taken by automated means which produce legal effects concerning you or similarly significantly affect you;
- object in certain other situations to our continued processing of your personal information;
- otherwise restrict our processing of your personal information in certain circumstances;

17.2 For further information on each of those rights, including the circumstances in which they apply, see the Guidance from the UK Information Commissioner's Office (ICO) on individuals rights under the General Data Protection Regulation.

17.3 If you would like to exercise any of the above rights, please email, call or write to us - all correspondence to be marked for the attention of our Data Protection Officer (see 'How to contact us' below);

17.4 Any individual that wishes to access or amend their personal data, or requesting for it to be transferred outside the organisation, or who has some other objection to how their personal data is being used, should put their request in writing to the QAC Data Protection Officer (see 'How to contact us' below).

17.5 QAC will endeavour to respond to such written requests as soon as reasonably practicable and in line with any statutory timeframes. Regarding requests to access data, QAC has one month to respond. Please note that QAC will be better able to respond efficiently to requests that are clear and specific. If the request is manifestly excessive or similar to previous requests, QAC may ask you to reconsider your request or charge an appropriate fee for dealing with it (where permitted under data protection law).



- 17.6 You should be aware that certain data is exempt from the right of access, such as information which identifies other individuals, or information which is subject to legal professional privilege. QAC is also not required to disclose any student examination scripts (though examiners' comments may be disclosable), nor any confidential reference given by QAC for the purposes of the education, training or employment of any individual.
- 17.7 QAC will endeavour to ensure that all personal data held is up to date and as accurate as possible. Individuals must notify QAC of any significant changes to important information, such as contact details. Parents may request that out-of-date, irrelevant or inaccurate data is erased or corrected.

18 Changes to this Privacy Notice

- 18.1 This Privacy Notice was published on 6th July 2018 and updated on 26 October 2020 and 5 January 2021.
- 18.2 We may change this Privacy Notice from time to time and when we do, a copy of the amended version will be available on the QAC website.

19 How to contact us

- 19.1 If you have any Data Protection concerns or questions about this policy or the ways in which we use your personal information you can contact our Data Protection Officer (Robert Semple, Director of Finance and Resources) directly by post : 49, Court Oak Road, Harborne, Birmingham B17 9TG, telephone 0121 803 5335, email rsemple@qac.ac.uk.
- 19.2 You also have the right to make a formal complaint to the Information Commissioner's Office (ICO) if you are unhappy about the way your personal data is being used – please refer to the ICO's website for further information about this (<https://ico.org.uk/concerns>).