



ED0023 - Privacy Notices



Purpose and Scope

Esland ("Esland", "we", "us", "our") is an independent provider of special schools for children and young people with special educational needs and disabilities (SEND) and social, emotional and mental health (SEMH) needs. In delivering education and care, we collect and use a significant amount of personal data about the pupils in our schools, and about their parents and carers.

A privacy notice (also called a "privacy information" or "fair processing" notice) is the way we tell people, in clear and accessible terms, what personal data we hold about them, why we hold it, who we share it with, how long we keep it, and what rights they have. Providing this information is a legal requirement under Articles 13 and 14 of the UK GDPR. It is also central to the trust between our schools and the families we work with.

Purpose

This policy sets out how Esland meets its transparency obligations to pupils, parents and carers. Specifically, it:

- explains the legal framework that governs the personal data of pupils, parents and carers;
- sets the standards our schools must apply when drafting, issuing, reviewing and making privacy notices accessible;
- records the lawful bases on which Esland relies as an independent education provider; and
- contains, at Appendix A, the privacy notice to be issued to pupils, parents and carers, and, at Appendix B, an accessible summary suitable for our pupil cohort.

Scope

This policy applies to all Esland North Limited independent special schools, to all staff (including agency, bank and contract staff) who handle the personal data of pupils, parents or carers, and to all processing of that data whether held electronically or in paper form. It covers current, prospective and former pupils and their parents and carers.

This policy sits within Esland's wider data protection framework and should be read alongside the related policies listed at Section 9. It does *not* replace the separate privacy notices issued to the school workforce, to job applicants, or to visitors, which are governed by their own notices.

Legal and Regulatory Framework

The processing of personal data in our schools is governed principally by:

- **the UK General Data Protection Regulation (UK GDPR);**
- **the Data Protection Act 2018 (DPA 2018)**, which supplements the UK GDPR and sets out UK-specific conditions and exemptions; and
- **the Privacy and Electronic Communications Regulations 2003 (PECR)**, which govern electronic communications and cookies.

These laws were amended by the Data (Use and Access) Act 2025 (DUAA), which received Royal Assent on 19 June 2025 and whose provisions have been commenced in stages between June 2025 and June 2026. The DUAA amends – but does not replace – the UK GDPR, DPA 2018 and PECR. The changes most relevant to our schools are reflected in this policy and include: enhanced “children’s higher protection matters”; the confirmation that subject access requests require only a “reasonable and proportionate” search; the requirement for controllers to operate a data protection complaints procedure; and revised rules on solely automated decision-making.

As an independent school, Esland is regulated under the Education (Independent School Standards) Regulations 2014, rather than the statutory duties that apply to maintained schools and academies. This distinction matters for data protection: because our schools do not exercise statutory public functions in the way a maintained school does, we do not generally rely on the “public task” lawful basis. The lawful bases on which we do rely are set out in full at Section 5. We also have regard to statutory safeguarding guidance, including *Keeping Children Safe in Education*, to the Information Commissioner’s Office (ICO) codes and guidance, including the Age Appropriate Design Code, and to guidance issued by the Department for Education (DfE), whose model privacy notice documents inform – but do not dictate – the content of the notice at Appendix A.

The supervisory authority for data protection in the UK is currently the Information Commissioner’s Office (ICO). Under the DUAA the ICO is in the process of being reconstituted as the Information Commission during 2026; references in this policy to the ICO should be read as references to its successor body once that transition takes effect. Contact details and website addresses will be updated at the next review.

Definitions

Term	Meaning
Personal data	Any information relating to an identified or identifiable living individual – for example a pupil’s name, date of birth, contact details, assessment records or photographs.
Special category data	More sensitive personal data requiring extra protection: data revealing racial or ethnic origin, religious or philosophical beliefs, health, sex life or sexual orientation, genetic or biometric data, and trade union membership. Our schools hold significant special category data, particularly health and SEND information.
Criminal offence data	Data about criminal convictions, offences or related security measures, which may arise in a safeguarding or SEMH context.
Data controller	The organisation that determines how and why personal data is processed. Esland North Limited is the data controller for the data described in this policy.
Data processor	An organisation that processes personal data on our behalf and under our instructions – for example an IT or management-information-system provider.
Data subject	The individual the personal data is about – in this policy, primarily a pupil, parent or carer.
Processing	Anything done with personal data, including collecting, recording, storing, using, sharing, or deleting it.
Parental responsibility	The legal rights, duties and responsibilities a person has for a child, which determine who may exercise certain data rights on a child’s behalf.
Privacy notice	The document through which we provide the transparency information required by Articles 13 and 14 of the UK GDPR.

Roles and Responsibilities

Esland (data controller)

Esland is legally accountable for compliance with data protection law across its schools. It is responsible for maintaining this policy, the privacy notices that flow from it, and the technical and organisational measures that keep personal data secure.

Data Protection Officer (DPO)

The DPO advises Esland on its data protection obligations, monitors compliance, oversees the handling of information-rights requests and complaints, is the point of contact for the ICO, and reviews privacy notices to ensure they remain accurate and lawful. The DPO is Mark Calderbank and can be contacted on dpgdpr@esland.co.uk or in writing addressed to, Suites 1 & 5 Riverside Business Centre, Foundry Lane, Milford, Belper, Derbyshire, England, DE56 0RN.

Headteachers and senior leaders

School leaders are responsible for ensuring that the privacy notice is issued to and accessible for pupils, parents and carers, that it is presented in a form appropriate to the pupil, and that any local processing (for example a new system or a new type of data collection) is notified to the DPO so that the notice can be updated.

All staff

Every member of staff who handles pupil, parent or carer data must do so in line with this policy and Esland's Data Protection Policy, must direct any information-rights request or concern to the DPO without delay, and must not introduce new uses of personal data without approval.

Lawful Bases for Processing

We only process personal data where we have a lawful basis to do so. Because Esland is an independent provider rather than a maintained school, our lawful bases differ from those a maintained school would cite. We do not generally rely on "public task" (Article 6(1)(e)); instead we rely on the bases below.

Article 6 – all personal data

Lawful basis	How we rely on it
Legal obligation – Art. 6(1)(c)	To meet duties imposed on us by law, including safeguarding, health and safety, and – where applicable – mandatory returns to the DfE such as the school census.
Contract – Art. 6(1)(b)	To fulfil our agreement to educate and care for a pupil, including the placement arrangements with a parent, carer or placing authority.
Legitimate interests – Art. 6(1)(f)	For the effective and safe running of the school – for example school administration, security of our systems, and communication with families – where this is not overridden by the individual's rights. We assess this through a legitimate interests assessment.
Consent – Art. 6(1)(a)	For specific, optional activities such as the use of pupil photographs, where we ask for permission that can be withdrawn at any time.
Vital interests – Art. 6(1)(d)	To protect someone's life or physical safety in an emergency.

Article 9 and criminal offence data – more sensitive data

Given our specialist SEND and SEMH provision, we hold a substantial amount of special category data (particularly health data) and, at times, criminal offence data. Where we process this data we identify an additional condition under Article 9 of the UK GDPR and, where required, a condition in Schedule 1 to the DPA 2018. These typically include:

- explicit consent (Article 9(2)(a));
- employment, social security and social protection purposes (Article 9(2)(b));
- vital interests where a person is unable to give consent (Article 9(2)(c));
- reasons of substantial public interest, including the safeguarding of children and of individuals at risk (Article 9(2)(g) with the relevant conditions in Part 2 of Schedule 1 to the DPA 2018); and
- the provision of health or social care (Article 9(2)(h)).

Where we rely on certain of these conditions – including substantial public interest and safeguarding – the DPA 2018 requires us to keep an **Appropriate Policy Document** explaining how we comply with the data protection principles and our retention arrangements for that data. Esland maintains such a document, which is available on request.

Children's higher protection

Our pupils are children and young people, many of whom are particularly vulnerable. In line with the children's higher protection matters introduced by the DUAA and the ICO's Age Appropriate Design Code, we give particular weight to the

interests and needs of children when deciding how to use their data, we minimise the data we collect, and we present privacy information in a form children can understand (see Appendix B).

Principles Governing our Privacy Notices

Every privacy notice we issue to pupils, parents and carers must be:

- **Transparent and honest** — an accurate account of what we actually do with personal data;
- **Clear and accessible** — written in plain language, avoiding jargon, and made available in formats appropriate to our pupils, who may have communication, learning or sensory needs;
- **Easy to find** — provided at the point data is collected (for example at admission) and available at all times, for example on the school website and on request;
- **Layered where helpful** — a short accessible summary supported by the full notice; and
- **Kept up to date** — reviewed regularly and whenever our processing changes.

Required Content of a Privacy Notice

To satisfy Articles 13 and 14 of the UK GDPR, each privacy notice must tell people:

- who we are, and how to contact us and our Data Protection Officer;
- what personal data we collect, including any special category or criminal offence data;
- why we use it, and the lawful basis (and, for special category data, the additional condition) for each purpose;
- where legitimate interests are relied on, what those interests are;
- who we share the data with, and whether any data is transferred outside the UK and how it is protected;
- how long we keep the data, or how that period is determined;
- the individual's information rights, and how to exercise them, including the right to withdraw consent;
- whether providing the data is a statutory or contractual requirement and what happens if it is not provided;
- whether any decisions are made by solely automated means; and
- the right to complain to us and to the ICO.

Where data is obtained from someone other than the individual (for example from a previous school or a placing authority), we also explain the source of the data, as required by Article 14.

Issuing, Accessibility and Review

The privacy notice at Appendix A is issued to parents and carers at the point of admission and is made available on an ongoing basis, including on the school website and on request. Pupils are given the information in a form suited to their age and understanding, drawing on Appendix B.

We will provide the notice in accessible formats — such as easy-read, large print, or with communication support — where this helps a pupil, parent or carer understand it. Where a parent or carer's first language is not English, we will take reasonable steps to make the information accessible.

This policy and the associated notices are reviewed at least annually, and sooner where there is a change in the law, in DfE or ICO guidance, or in the way our schools use personal data.

Related Policies and Documents

This policy should be read alongside:

- Data Protection Policy.
- Safeguarding and Child Protection Policy.

Policy Review

Date	Action (s)
13/07/2026	Creation of singular policy for all schools and reviewed inline with latest GDPR Law and DfE guidance.

Appendix A – Privacy Notice for Pupils, Parents and Carers

This notice explains how our school, part of Esland, collects and uses personal information about pupils, parents and carers.

Who we are

Esland North Limited is the data controller for the personal information described in this notice. If you have any questions about how we use your information, or you wish to exercise any of your rights, please contact our Data Protection Officer:

- Data Protection Officer: Mark Calderbank
- Email: dpgdpr@esland.co.uk
- Post: Suites 1 & 5 Riverside Business Centre, Foundry Lane, Milford, Belper, Derbyshire, England, DE56 0RN.
- Or speak to your child's school office in the first instance.

The information we collect

We collect and use a range of information about pupils, and some information about parents and carers. This includes:

- personal identifiers and contact details (such as name, address, date of birth and unique pupil number);
- characteristics such as first language;
- placement and admission information, including from your local authority;
- attendance information;
- assessment, attainment and progress information;
- special educational needs and disability (SEND) information, including Education, Health and Care (EHC) plans;
- relevant medical, health, therapeutic and wellbeing information;
- safeguarding, welfare and behaviour information;
- photographs and, where used, CCTV images; and
- contact and relationship details for parents and carers.

Some of this is special category data (such as health and SEND information) or criminal offence data, which the law treats as more sensitive and which we protect accordingly.

Why we use it, and our lawful basis

We use this information to educate and care for our pupils safely and effectively – including to provide teaching and therapeutic support, to meet SEND needs, to keep children safe, to manage admissions and placements, to run the school, and to meet our legal duties.

As an independent special school, we rely on the following lawful bases under Article 6 of the UK GDPR: legal obligation, contract, legitimate interests, consent and vital interests. Where we use more sensitive (special category or criminal offence) data, we also rely on an additional condition under Article 9 of the UK GDPR and the Data Protection Act 2018 – most often the safeguarding of children, substantial public interest, the provision of health or social care, or explicit consent. Some purposes are supported by more than one basis.

Where our use of information is optional (for example using a photograph on our website), we ask for your consent and you are free to refuse or to withdraw it at any time, without affecting your child's education. Where information is required by law or under the placement, we will tell you and explain what happens if it is not provided.

Who we share it with

We do not sell personal information or share it routinely with anyone outside the school. We share information only where the law allows or requires it, and only what is necessary. Depending on circumstances, this may include:

- your local authority and the placing authority responsible for a pupil's placement and EHC plan;
- the Department for Education, where we are required to submit data (for example through the school census);
- health and therapeutic services, such as the NHS, CAMHS, GPs and commissioned therapists;
- children's social care and safeguarding partners, and where necessary the police;
- examination and awarding bodies;
- Ofsted and relevant regulatory or inspection bodies;
- a pupil's previous or next educational setting; and
- trusted service providers who process data on our behalf (such as our management information system and educational software providers), under written contracts that require them to protect the data and use it only on our instructions.

Transfers outside the UK

Most of our processing takes place in the UK. If any of our providers store or process data outside the UK, we make sure appropriate safeguards are in place so that your information is protected to a standard consistent with UK data protection law.

How long we keep it

We keep personal information only for as long as we need it, in line with our Records Management and Data Retention Policy, which is based on recognised retention schedules for schools. Retention periods vary according to the type of record; safeguarding and certain pupil records are kept for longer periods set by law and guidance. When information is no longer needed, we dispose of it securely.

Your rights

Under data protection law, you have the following rights over your personal information, and — subject to your child's age and understanding, and to who holds parental responsibility — over your child's information:

- to be informed about how we use the information (which this notice provides);
- to ask for a copy of the information we hold (a subject access request);
- to ask us to correct information that is inaccurate or incomplete;
- to ask us to delete information, or to restrict how we use it, in certain circumstances;
- to object to certain uses of the information;
- to data portability in certain circumstances; and
- to withdraw consent at any time, where we rely on consent.

To make a request, please contact our Data Protection Officer. We will respond within one month, although we may extend this by up to two further months for complex requests, and we will tell you if we do. When we respond to a request for copies of information, the law requires us to carry out a reasonable and proportionate search for it. Some information may be withheld where an exemption applies — for example to protect a child, a third party, or an ongoing safeguarding matter. Older children may exercise their own rights where they are able to understand what this means. Where a child cannot, a person with parental responsibility may usually exercise these rights on their behalf, provided doing so is in the child's interests.

Automated decision-making

We do not make decisions about pupils, parents or carers that have a legal or similarly significant effect using solely automated means (that is, without meaningful human involvement).

Photographs and images

We use photographs and images of pupils only in line with the permissions you give us, and you can change your mind at any time. We ask parents and carers to be considerate when taking their own photographs or videos at school events, and not to share images of other people's children online without permission.

If something goes wrong

We take the security of personal information seriously. If a data breach occurs that is likely to result in a risk to your rights and freedoms, we will tell you without undue delay, and we will report serious breaches to the ICO within 72 hours of becoming aware of them.

How to complain

If you are concerned about how we have handled your information, please contact our Data Protection Officer so we can put things right. We operate a data protection complaints process and will acknowledge your complaint within 30 days and respond without undue delay.

You also have the right to complain to the Information Commissioner's Office (ICO), the UK's data protection regulator, at **www.ico.org.uk**, by calling 0303 123 1113, or by writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. (The ICO is being reconstituted as the Information Commission during 2026; its contact details will be updated accordingly.)

Changes to this notice

We review this notice regularly and will update it when our use of information changes. This version was issued on 13/07/2026.

Appendix B - Accessible Summary for Pupils

How our school looks after your information

Our school keeps some information about you. This helps us teach you, keep you safe, and look after you.

- **What we keep:** things like your name, your birthday, how you are doing at school, and information about your health and support needs.
- **Why we keep it:** so we can help you learn, keep you safe and well, and give you the right support.
- **Who can see it:** the staff who look after you. Sometimes we share information with people like your doctor or your local council, but only when we need to.
- **Keeping it safe:** we look after your information carefully and only keep it for as long as we need it.
- **Your choices:** you can ask to see the information we keep about you, and you can ask us to fix it if it is wrong.

If you want to know more, or you are worried about your information, you can talk to a member of staff you trust.



How our school looks after your information



Our school keeps some information about you.
This helps us teach you, keep you safe, and look after you.

1

What we keep



Things like your name, your birthday, how you are doing at school, and information about your health and support needs.



2

Why we keep it



So we can help you learn, keep you safe and well, and give you the right support.



3

Who can see it



The staff who look after you. Sometimes we share information with people like your doctor or your local council, but only when we need to.



4

Keeping it safe



We look after your information carefully and only keep it for as long as we need it.



5

Your choices



You can ask to see the information we keep about you, and you can ask us to fix it if it is wrong.



Let's fix this!



If you want to know more, or you are worried about your information, you can talk to a member of staff you trust.

