

CAERPHILLY MUSIC SERVICE

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Description of Privacy Notice: This privacy notice will explain how the CAERPHILLY MUSIC SERVICE processes personal information about pupils and families that use the Music Service.

How we will use your information

Source and type of information being processed

The categories of pupil information that we collect, hold and share include:

- personal information (such as name, school attending, and home address)
- attendance information (such as music lessons attended)
- medical information for attendance at afterschool clubs, County ensembles, and events (i.e. child allergies, medication, and dietary requirements)
- contact details, contact preferences
- performance in national examinations and assessment information (i.e. reports)
- photographs
- videos

Source of the personal data

This information has been collected from:

- Pupils/Parents/Carers directly (e.g. via weekly registers and consent forms for the purpose of photographs / videos being taken and used on social media platforms such as Facebook and Twitter)

If you would like further information on the source of this information, please contact the Music Service directly.

Processing during the Coronavirus Pandemic

CAERPHILLY MUSIC SERVICE continues to process personal data for the purposes detailed under the 'Why do we collect and use your information' section of this privacy notice. However, your personal data may be processed in new ways when we take a digital learning approach. These are as follows:

- the provision of educational services to individuals either face-to-face or remotely using digital learning opportunities following guidance by Welsh Government;
- monitoring pupils'/children's educational progress when learning remotely;
- monitoring the welfare of pupils when learning remotely;
- the giving of support and guidance to children and young people, their parents and legal guardians;

Please note that all live streaming music instrumental lessons require consent forms to be signed directly by Parents / Carers and no lessons occur until all the paperwork has been checked.

All staff adhere to safeguarding measures in line with Caerphilly Music Services Risk Assessment. The process complies with the below education legislation and Welsh Government guidance:

Education Act 2002(175)

Duties of LEAs and governing bodies in relation to welfare of children

- (1) *A local education authority shall make arrangements for ensuring that the functions conferred on them in their capacity as a local education authority are exercised with a view to safeguarding and promoting the welfare of children.*

Developing approaches to support distance learning

"Across our education system we are prioritising support for all learners to keep learning and transition effectively back into school when the time comes. Therefore, this advice focuses on the work of settings and schools in considering how all learners can be supported to return to education in a positive frame of mind, and to continue as seamlessly as possible with their learning.

To help make this happen schools, PRUs and settings are advised to make all efforts to:

- *keep all children safe and well*
- *ensure learners who are at most risk are being supported*
- *support the well-being of the Music Service workforce*
- *allow learners to access learning through digital or other accessible methods in a practical and uncomplicated way*
- *support all partners' shared understanding of how effective, organised distance learning can provide a breadth of learning experiences*
- *support parents/carers access to guidance to understand their role in supporting their children within distance learning*
- *support the well-being and basic skills of learners through effective contact and communications.*

Settings and schools will have access to support from local authorities and schools as they develop their approaches to distance learning. This advice includes signposting to some models that settings and schools may wish to adopt or adapt as part of their distance learning strategy."

<https://hwb.gov.wales/storage/19393a15-8ee2-42f8-b648-ba2edaeb56db/developing-approaches-to-support-distance-learning.pdf>

Your Obligations

Certain pupil data is essential for the Music Services operational use. Whilst the majority of pupil information you provide to us is mandatory due to a legal or contractual obligation (please see below), some if it is optional, and if this is the case you will be asked to give your consent.

We will inform you at the point of collection whether you are required to provide certain pupil information to us, or if you have a choice in this. The Music Service will also outline any consequences should you decide not to provide information or to subsequently withdraw consent.

Why do we collect and use your information

CAERPHILLY MUSIC SERVICE collects information about children and young people upon enrolment and at other key times during the school year. Parental / Carers information is required if pupils attend after school County ensembles and these are kept in case an emergency occurs whilst pupils are in our care.

CAERPHILLY MUSIC SERVICE processes the information it collects to administer the education it provides to children and young people. For example:

- the provision of musical services to individuals;
- consent permissions for delivering live streaming lessons;
- monitoring and reporting on pupils'/children's musical progress;
- the data collection of examination results;
- the organisation of educational events and trips;

CAERPHILLY MUSIC SERVICE collects information about children and young people when they apply to register for music lessons. This data can be accessed by Caerphilly County Borough Council for the reasons listed above.

We use pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to assess the quality of our services
- to keep children safe (emergency contact details or food allergies)
- to administer trips and activities (e.g. showcase concerts, ensembles, etc.)

Legal basis for processing

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified.

Mandatory school processing of pupil information is covered by:

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;

The Public Task is provided by:

Curriculum and Assessment (Wales) Act 2021

10 Curriculum design

- (1) *The head teacher of a school must design a curriculum for the school's pupils.*
- (2) *That curriculum must comply with the requirements in sections 20 to 24, and any requirement imposed under section 25.*

28 General implementation requirements

The adopted curriculum must be implemented in a way that—

- (a) enables each pupil to develop in the ways described in the four purposes,
- (b) secures teaching and learning that offers appropriate progression for each pupil,
- (c) is suitable for each pupil's age, ability and aptitude,
- (d) takes account of each pupil's additional learning needs (if any), and
- (e) secures broad and balanced teaching and learning for each pupil.

Education Act 2002(11)(2)(a)

(2) *The governing body of a maintained school may, with a view to securing or facilitating—*

- (a) *the provision by a company of services or facilities for any schools,*
- (b) *the exercise by a company of relevant local authority functions, or*
- (c) *the making by any person of arrangements of the kind referred to in subsection (1)(c),*

invest in the company which is to provide the services or facilities or exercise the functions or by which the arrangements are to be made or facilitated.

Optional processing of personal data is covered by the Article 6 condition:

6(1)(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes

For instance, CAERPHILLY MUSIC SERVICE will ask for your consent to publish or display photographs of your son/daughter on Music Service display boards at Heolddu Comprehensive School, in newspaper or local magazine articles, and on our website and/or social media pages. You have the right to withdraw consent at any time. Please contact the school for further information.

Data Protection legislation provides extra protection for certain classes of information called 'special categories of personal data', which includes:

- Racial or ethnic origin
- Religious or other beliefs of a similar nature
- Political opinion
- Physical or mental health or condition
- Genetic data
- Biometric data (where used for identification purposes)
- Sexual life or orientation
- Trade union membership

Data Protection legislation also provides extra protection for personal data in relation to criminal allegations, proceedings, outcomes and sentences.

If any information falls within these definitions, additional conditions are required from Article 9 for special category data and Article 10 for personal data relating to crimes, taking into account additional provisions of the Data Protection Act 2018. If you have any questions in the meantime, please contact the school.

Article 9(2)(g) for special category data –
processing is necessary for reasons of substantial public interest on the basis of domestic law

The relevant Member State law is the Data Protection Act 2018, and this processing is covered by Schedule 1, Part II, 6(1).

This condition is met if the processing—

- (a) is necessary for a purpose listed in sub-paragraph (2), and*
- (b) is necessary for reasons of substantial public interest.*

(2) Those purposes are—

- (a) the exercise of a function conferred on a person by an enactment or rule of law;*
- (b) the exercise of a function of the Crown, a Minister of the Crown or a government department.*

Who will have access to your information?

Identity of Data Controller and Data Protection Officer

The Data Controller for your information is CAERPHILLY BOROUGH COUNTY BOROUGH COUNCIL.

The Data Protection Officer is contracted by the school to Caerphilly County Borough Council. You can contact the school Data Protection Officer on 01443 864322, or by email at dataprotection@caerphilly.gov.uk

Details of main users of your information

The main users of your information will be CAERPHILLY MUSIC SERVICE and the Caerphilly school you or your child attends.

Details of sharing your information with other organisations

We may be required to share certain pupil information with specific organisations, but only with a clearly defined reason and an appropriate legal basis under data protection law.

We always ensure that the sharing of personal information is securely undertaken.

Organisation	Reason	Lawful Basis
School that the pupil subsequently attends	Transfer lists for continuity of education	Compliance with a public task (Art 6 UK GDPR).
Caerphilly County Borough Council	To provide IT support	Processing necessary for legitimate interests (Art 6 UK GDPR).
	To provide Health and Safety support	Compliance with a legal obligation or public task (Art 6 UK GDPR).

	To defend insurance claims	Processing necessary for legitimate interests (Art 6 UK GDPR) and legal proceedings (Art 9 UK GDPR).
	For safeguarding purposes	Compliance with a legal obligation, vital interests, or public task (Art 6 and 9 UK GDPR).
Examination Boards (e.g. Associated Board of the Royal Schools of Music, Trinity etc.)	<p>To administer all aspects of external examinations and non-examined testing, including:</p> <ul style="list-style-type: none"> • applying for examinations • providing results to students • any special arrangements for health conditions • issue results and certificates • inspections and appeals <p>Information may also be shared in communications relating to the examinations process.</p>	<p>Compliance with a public task (Art 6 UK GDPR).</p> <p>Please note that CAERPHILLY MUSIC SERVICE will ask for your consent to publish top achiever results in school publications, local news, social media, etc.</p>

Details of any external data processors

Synergy (data management)

Student data processed:

pupil name, parent name and contact details, emergency contact details, pupil attendance, and any dietary or medical needs

Synergy is a Management Information System (MIS) used to store pupil information collected from the Caerphilly school you or your child attends and directly from parents/carers when a pupil joins the CAERPHILLY MUSIC SERVICE. Data is held on Caerphilly County Borough Council servers and uses international standards (i.e. ISO/IEC 17799:2005 and BS ISO/IEC 27001:2005) as the framework for setting control objectives and controls.

<https://www.servelec.co.uk/legals-terms/privacy-policy/> |

<https://www.servelec.co.uk/legals-terms/information-security-policy/>



Evolve (risk assessments)

Staff data processed: full name (i.e. responsible adult) and school

Evolve assists the CAERPHILLY MUSIC SERVICE in risk assessing ensemble trips for staff and pupils. Data is stored in databases within the United Kingdom and each server has Proactive Threat Monitoring to detect any intrusion attempts.

<https://evolve.edufocus.co.uk/evco10/privacy.asp> |

<http://edufocus.co.uk/pages/evolve/gdpr.asp>



Microsoft Outlook (communication)

Student data processed: pupil name, school, attendance information, correspondence relating to pupils and their families

Microsoft Outlook is an email system that supports the CAERPHILLY MUSIC SERVICE with business administration and communicating with Caerphilly schools. Data is stored in UK Data Centres and Microsoft control staff access to personal data. Microsoft ensure data is encrypted when stored in their Data Centres and when it travels across the internet.

<https://www.microsoft.com/en-us/trust-center/privacy/gdpr-overview> |
<http://www.microsoftvolumelicensing.com/DocumentSearch.aspx?Mode=3&DocumentTypeId=46>

Details of transfers to any countries outside of the European Economic Area



Twitter (celebrating success)

Student data processed: pupil name, pupil photograph/video, class, school

Twitter is a social media website used to celebrate pupil success, activities in school, and provide parents/carers with up to date information. We will always seek consent before publishing images or videos alongside a child's name.

<https://twitter.com/en/privacy>



Facebook (celebrating success)

Student data processed: pupil name, pupil photograph/video, class, school

Facebook is a social media website used to celebrate pupil success, activities in school, and provide parents/carers with up-to-date information. We will always seek consent before publishing images or videos alongside a child's name.

https://www.facebook.com/about/privacy/update?ref=old_policy

Requests for information

All recorded information held by the Music Service may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection legislation (General Data Protection Regulations 2016 and Data Protection Act 2018).

If the information you provide is subject to such a request, where possible, the school will consult with you on its release. If you object to the release of your information, we will withhold your information if the relevant legislation allows.

How long will we retain your information

Details of retention period

We hold pupil data securely for the set amount of time documented in our data retention schedule. CAERPHILLY MUSIC SERVICE will retain information in line with the following set out in our retention schedule:

Basic file description	Statutory Provisions	Retention Period [Operational]	Action at end of administrative life of the record	Personal Information
All records relating to the pupil whilst receiving instrumental lessons in school.		Retain whilst child uses the Caerphilly Music Service.	SECURE DISPOSAL	Yes
Examination results		Current year + 3 years	SECURE DISPOSAL	Yes
All records relating to the creation and management of budgets, including the annual budget statement and background papers		Life of the budget + 3 years	SECURE DISPOSAL	
Invoices, receipts, and requisitions, delivery notices	Limitation Act 1980 (Section 2)	Current financial year + 6 years	SECURE DISPOSAL	Yes

Please visit the relevant examination board website below to find out more information on how they process personal data when pupils take graded exams:

[ABRSM: Privacy Policy](#) | [Data Protection](#) | [Trinity College London](#)

The CAERPHILLY MUSIC SERVICE may retain recordings/images showcasing the work we do indefinitely for archiving purposes in the public interest.

Your Rights (including Complaints Procedure)

Your rights under the Data Protection Act 2018

Data Protection laws give data subjects (those who the information is about) a number of rights, which include:

- **Right to be informed** how personal data is collected, stored, managed, protected, and processed.
- **Right of access** to request a copy of personal information held of yourself. However, please be aware that information can sometimes be legitimately withheld.
- **Right to rectification** of inaccurate or incomplete personal data.
- **Right to erasure** where you have the right to have your personal data erased in certain circumstances. This does not include any personal data that must be retained by law.
- **Right to restriction**, which allows you to limit the way we use your personal data in some circumstances.
- **Right to portability** gives an individual the right to receive copies of data provided to a controller in a portable format.
- **Right to object** to the processing of one's personal data; and the final one is the
- **Rights in relation to automated decision making and profiling.**

Children and young people have the same rights under data protection legislation. Therefore, a parent/carer who wishes to enact these rights on behalf of a child will need to provide proof of ID and Parental Responsibility. Where a child or young person is aged 12 years or over, they are normally deemed to be mature enough to enact these rights themselves. As a result, the parent/carer will also need proof of consent from the child or young person to enact these rights on their behalf.

To enact your rights, please contact CAERPHILLY MUSIC SERVICE as detailed at the top of this document. A copy of any individual right request and your response will be kept for 3 years.

Complaints Procedure

If you are unhappy with the way that the school has handled your request / information, you have the right of complaint. Please contact CAERPHILLY MUSIC SERVICE outlining your concerns in the first instance.

If you remain unhappy, you can contact the schools Data Protection Officer on 01443 864322 / dataprotection@caerphilly.gov.uk

You also have the right to ask the Information Commissioner, who enforces and oversees the Data Protection Act in the UK, to assess whether or not the processing of personal information is likely to comply with the provisions of our legislative responsibilities. Further information on your rights is available from: www.ico.org.uk.

Summary Privacy Notice

How we will use your information

CAERPHILLY MUSIC SERVICE processes personal information about pupils to support pupil learning and monitor attainment, and to keep children safe. We also process personal information to administer optional Music Service trips and activities. Some of the above personal data be processed in new ways during Covid-19 as we move towards a more digital learning approach where educational progresses and pupil wellbeing are tracked another way.

The Music Service takes its responsibilities under data protection law very seriously, and will store and use all personal information securely, disposing of it when no longer required. Personal information may be shared securely for clear purposes with other organisations such as Caerphilly County Borough Council, examination boards, Caerphilly schools, or other external partners that provide a service to pupils/families. You have a number of rights in relation to your personal information, including the right of access to information and the right of complaint.

For further information on how we process your information and your rights, please click the following link: <https://www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Privacy-notices>