

Privacy Notice and Consent Form

Education Service

Who will process your information?

In order to deliver Education Services we need to collect, store, use, share and dispose of personal data. This is called data processing. When we process your personal data we must comply with data protection legislation. This consent form explains how we will use your personal data within the Education Service of Argyll and Bute Council and allows you to confirm your consent to our processing your information by signing this form.

The Council is registered with the Information Commissioner's Office as the 'Data Controller' for the personal data you provide to us. The Data Protection Officer, who is responsible for ensuring personal data is managed in accordance with data protection legislation can be contacted at data.protection@argyll-bute.gov.uk

Telephone: 01546 605522

What information will you process?

The information we collect from you will include photos, videos, and audio recordings of you or your work during your school life. We may also use your forename and surname when showcasing your work. The personal data you provide may also include special category information about you (also known as "sensitive personal data") in this case health or medical information, racial or ethnic origin.

Why is my information being processed?

Your information is being collected in order to support the Council in delivering services to you, as noted above. It's important that children and young people feel happy with their achievements and have photographs, audio recordings, and films of their special moments and achievements. Family and friends also want to be able to share the successes of their children when they have been part of a special event or activity.

However, it is also important to be aware of child protection and safeguarding issues when people are taking photographs or filming at events.

What is the lawful basis for this processing?

Article 6(1)(a) – Consent

When processing special category information (as noted above) we are doing so for reasons of substantial public interest for aims that are proportionate and which contain appropriate safeguarding measures

Circumstances where consent is not required – Curricular or Educational Activities

Consent is not the only legal basis that allows us to take/use film/photographs/audio recordings under General Data Protection Regulation. We can take/use film/photographs/audio recordings when it is necessary for the exercise of a statutory function (such as providing education). This would include, for example, filming pupils as part of a Drama or Physical Education examination. Any photography, audio recording, or film footage for these purposes must be treated confidentially as part of a pupil's academic record.

Copyright Law

The *Copyright, Designs and Patents Act 1988* gives the creators of work such as stories, songs and musical arrangements, rights to control the ways in which their work may be used. The rights cover: broadcast and public performance, copying, adapting, issuing, renting and lending copies to the public. In many cases, the creator will also have the right to be identified as the author. When we showcase a piece of art on the school wall we are not 'copying' it as it is the original piece being displayed. However, work posted on the internet could be deemed as a 'copy' of the original and you have the right to stop it being shown online. You also have the right to be named as author of the work if you choose to do so.

Who will have access to my personal information?

We will share your photos, videos, audio recordings and work with Joint Partnership bodies only if you have given your consent for this processing to happen as detailed in this consent form.

Joint Partnership bodies are Live Argyll and Health for the purposes of promoting activities run in conjunction with the Council.

Where will we display your photos, videos and work?

- School handbook, School newsletters, Displays or notice boards, website or other promotional material
- Year Books
- DVDs of school shows, leavers dances, and residential trips
- Externally on social media for school and council, including technology/apps designed for sharing photos, audio recordings and videos with parents, including parents of children in other settings where children are involved in joint activities.
- Externally on council and school website and in published reports/press releases/newsletters/blogs/vlogs/podcasts and school handbooks
- Externally in local and/or national media as requested by Education Service
- Externally with bodies who have funded an activity or otherwise where the head teacher of a school considers it appropriate and reasonable. In all cases where this takes place parents will be notified at least 7 days prior to the photos/video/audio being shared and have the right to withdraw consent previously given.
- Class and/or year photographs will be kept by schools and in Council archives indefinitely

We will not share any personal data which is not connected with the delivery of the service(s) noted above. By law, we may be required to share personal data for the prevention or detection of crime. These requests will generally come from the police, or another law enforcement agency.

It is important to note that once photos, videos, audio recordings and work are made public either on websites or social media they may be shared more widely and cannot be retrieved if you withdraw your consent.

You should also be aware that your data will be stored on servers located in the United Kingdom. There may be times when data is processed outwith the European Union and although they may not be subject to the same data protection laws as in the UK, we will take steps to make sure these companies provide an adequate level of protection in accordance with UK data protection laws. We will take all reasonable steps to ensure that your data is

kept securely and more information on how this is done can be requested from the Data Protection Officer.

How long will my information be kept?

We will not keep your personal data for any longer than it is needed, and will dispose of any records (both paper and electronic) in a secure way. We will usually keep your information for a maximum of 1 academic year after you leave your current establishment, after this period your photos, videos, audio recordings and work will no longer be used in any newly printed material. Class and/or year photographs may be displayed in schools and kept in council archives indefinitely for historical purposes therefore you may wish to exclude yourself from group photographs based on this.

Where your personal data has been displayed on the internet or shared with other organisations we cannot control where and how it is retained beyond our own websites and social media channels.

More information on the retention policy and procedure can be obtained from the Data Protection Officer if required.

Automated Decision Making

No automated decision making will take place.

YOUR RIGHTS

When you provide information, you will have the following rights:

- to withdraw consent at any time, *to do so please contact the Data Protection Officer*
- to lodge a complaint with the Information Commissioner's Office – *see below for details*
- to request access to your personal data – *please contact the Data Protection Officer*
- to data portability
- to request rectification or erasure of your personal data, as far as the legislation permits – please contact the Data Protection Officer and provide details of what data you wish to be rectified or erased.

You can find out more about your rights in relation to data protection here: www.argyll-bute.gov.uk/data-protection or from the Data Protection Officer by telephone or in writing, as detailed above.

The ICO is the UK's independent body set up to uphold information rights; you can request further information or register a complaint from:-

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow,
Cheshire, SK9 5AF
Telephone: 0303 123 1113
Email: casework@ico.org.uk

The Information Commissioner's Office –
Scotland
45 Melville Street, Edinburgh, EH3 7HL
Telephone: 0303 123 1115
Email: Scotland@ico.org.uk
If you require this consent form in any other
format please contact School Support on
01369 704000.