



Defence Children Services Privacy Notice: How we use personal information

This privacy notice lets you know what happens to any personal data that you give to us, or any that we may collect and explains how we process this to meet our obligations.

This privacy notice applies to personal data processed by or on behalf of the Defence Children Services.

This notice explains:

1. Introduction
2. The categories of personal data we collect and use
3. The legal basis for processing personal data
4. Why we collect and use this personal data
5. How else we may use personal data
6. Change of purpose
7. Keeping personal data safe and secure (storage)
8. Who we share personal data with
9. Transferring data internationally
10. Your rights
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1. Introduction

The United Kingdom General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA18) form the legal framework for protecting personal data.

We will comply with the data protection principles set out in the UK GDPR. These say that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.

- Kept in a form which permits individuals to be identified only as long as necessary for the purposes we have told you about.
- Kept securely.

The Ministry of Defence is the data controller for all personal data that we hold about pupils. Contact details are at the end of this notice.

2. The categories of personal data that we collect, hold and share include:

- Personal information (such as name, unique pupil number, Service number and contact details).
- Characteristics (such as ethnicity, language, nationality, country of birth, free school meal eligibility and religion).
- Attendance information (such as sessions attended, number of absences and absence reasons).
- Assessment information.
- Relevant medical information.
- Information about special educational needs and/or disabilities.
- Exclusions / behaviour information.
- Previous schools.
- Safeguarding information.
- Social care information.
- Trade union membership and political opinion.
- Family court information.
- Criminal history/ non-filterable offences.
- Police activity/Service Prosecution Authority records.
- Allegations.

3. The legal basis on which we process personal data

The legal basis under which we process personal data is as follows:

- To comply with our legal obligation (Article 6.c).
- To perform tasks carried out in the public interest or in the exercise of official authority (Article 6.e).
- To protect vital interests where the data subject is physically or legally incapable of providing consent.

For “special categories” of personal data (such as racial or ethnic origin and health data) under Article 9.b and Article 9.c. In addition to the Lawful Bases listed above, special Category Data is processed under the following processing conditions:

- For preventive or occupational health reasons
- The processing is necessary for reasons of substantial public interest
- To protect someone’s life and the individual/s is physically/legally incapable of consenting.

- For archiving purposes in the public interest, or scientific/historical/statistical research purposes.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

4. Why we collect and use this personal data

We use the personal data:

- To provide advice, guidance and support to families regarding their children's education and welfare.
- To provide advice and guidance to other stakeholders within the MOD.
- To assess how, and whether, children's support needs can be met in overseas locations.
- To support children's learning and welfare while overseas.
- To monitor and report on children's progress.
- To provide appropriate pastoral care.
- To understand and, where possible, mitigate risk to children.
- To keep children safe.
- To assess the quality of our services.
- To fulfil our responsibilities under MOD policy.
- To comply with our legal obligations.

5. How else we may use personal data

Whilst the majority of personal data you provide us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with Data Protection legislation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

Please note that your personal data will not be used for any automated decision making.

6. Change of purpose

We will only use personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use the personal data for an unrelated or new purpose, we will notify you and we will explain the legal basis which allows us to do so.

7. Keeping personal data safe and secure (storage)

We hold pupil data related to safeguarding casework, for 75 years (from creation); non-safeguarding pupil casework is held for 25 years (from DOB).

We operate controlled access to this information on a “need to know” only basis which is reviewed quarterly. We store personal information digitally on secure MOD systems in the UK, although some hardcopy records exist prior to the adoption of digital record keeping in 2008 (These are held in the Government’s secure archives). All records are managed in accordance with MOD policy and destruction/retention reviews are conducted at end of the defined retention period. It should also be noted that while the data subject has rights, the MOD has a requirement under the Public Records Act to produce the records of decision-making, which may potentially conflict with a ‘right of erasure’ request.

8. Who we share personal information with

We share personal information with business areas in other parts of the MOD in order to fulfil our public duty. We also routinely share personal information with:

- Schools and/or local authorities responsible for your children after they leave our schools or early years settings.
- The Department for Education.
- MOD partner agencies, such as SSAFA or BFSWS.
- Other health or safeguarding agencies to comply with our regulatory and legal responsibilities.

9. Transferring data internationally

Where we transfer personal data to a country or territory outside of the European Economic Area, we will do so in accordance with data protection law.

10. Your rights

Under data protection legislation, parents and pupils have the right to request access to

information about them that we hold. To make a request for your personal information, or be given access to your child’s education record contact the school office in the first instance and mark your request FAO data protection admin.

Parents and pupils also have the right to:

- **Correction** of your personal data. This enables you to have any incomplete or inaccurate data we hold to be corrected.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing.
- **Object to processing** of your personal data where there is something about your situation which makes you want to object to processing on this ground.
- **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it. There are

some exceptions to the rights referred to above. Details of such restrictions will be provided to you if relevant.

- **Right to withdraw consent** - In the limited circumstances where you have provided your consent to the collection, processing and transfer of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time.
- **The age of data consent (13 years old - 12 in Scotland)** – This is the age where the individual has the right to make their own decision about their data. At our secondary schools this information is used to help empower and inform pupils about their data rights. The parents / guardians of a child over 13 years old needs to gain their consent to have access to their personal data (DPA SARs either need to be raised by the child or must obtain their consent to process and confirm where the response will be sent).

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we are allowed under the law to charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we can refuse to comply with the request in such circumstances.

To comply with your request, we sometimes need to ask for specific information from you to help us confirm your identity and ensure your right to access the personal data (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

Further information can be found at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

11. Complaints and contact information

We take any complaints about our collection and use of personal information very seriously. If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our **data protection champion** (details below):

Data Protection Champion,
Defence Children's Services,
Trenchard Lines,
UPAVON, Wilts, SN9 6BE.

Email: RC-DCS-HQ-MAILBOX@MOD.GOV.UK

Please mark 'FAO: Data Protection Champion' in the subject title of your email.

Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please in the first instance contact the school office of the school your child attends.

The Ministry of Defence Data Protection Officer contact details are as shown below if you have exhausted all other avenues:

MOD Data Protection Officer

Ground Floor, Zone D

Main Building

Whitehall

London SW12 2HB

[Email: cio-dpa@mod.gov.uk](mailto:cio-dpa@mod.gov.uk)