



Moor House School & College

PRIVACY NOTICE FOR RESEARCH PARTICIPANTS AND THEIR FAMILIES

This privacy notice describes how we collect and use personal information about students, in accordance with the UK General Data Protection Regulation (UK GDPR), section 537A of the Education Act 1996 and section 83 of the Children Act 1989.

Following Brexit, Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relate to general personal data processing, powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

Research

Research has a special status under data protection legislation. It is important therefore to specify what we mean by research. It is generally understood that research makes an original contribution to knowledge. Research conducted by our staff and collaborators is always intended to make an original contribution to knowledge. Such research is published in order to share that knowledge.

Health and care research should serve the public interest, which means that we have to demonstrate that our research serves the interests of society as a whole. Most of our research follows the UK Policy Framework for Health and Social Care Research.

Personal data

'Personal data' means any information which relates to or identifies an individual. This includes information which may not explicitly identify you / your child (e.g. where your (child's) name has been removed) but which does make it possible to identify you / your child if it is combined with other information that is readily available. For example, this might be because the information available contains a postcode, gender and date of birth; in these circumstances it might be possible to identify you / your child by using other information available elsewhere. Therefore, in these circumstances, we would treat the details we hold as personal information and protect it accordingly.

We promise to respect the confidentiality of the personal information that you / your child, as a participant in our research, provide to us; that we get from other organisations; and that we share with other collaborating organisations, such as other schools, universities or our research funders. We will be clear with you when we collect your (child's) information how we intend to use it. We will not do anything with your (child's) personal

information that you wouldn't reasonably expect. We will use your (child's) information only for the purpose of the research you / your child is participating in and we will not usually use the information or contact you / your child for any purpose other than research unless you have agreed to this. We commit to keeping your (child's) personal information secure.

Who is responsible for my (child's) personal information?

Moor House School & College is a "data controller." This means that we are responsible for deciding how we hold and use personal information about students, parents and research participants.

There are instances where two or more controllers work together on a research project. When this happens, the organisations have agreements and/or contractual arrangements in place which document how they have agreed to share their responsibilities. In these circumstances this will be detailed in the Participant Information Sheet that you will be given.

We may collect, store and use the following categories of personal information about you/your child (precise information for each project will be in the Participant Information Sheet):

Categories of participant information we collect, process, hold and share

- Personal information such as name, student number, date of birth and gender
- Parent / carer names, relationship to child and email addresses
- Characteristics (such as language background and free school meal eligibility)
- Attendance details (such as research sessions attended)
- Performance and assessment information
- Behavioural information
- Special categories of personal data (relevant medical information, special educational needs information)
- Images, audio and video recordings of students engaging in research activities.

The Lawful Bases on which we use this Information

Data protection legislation requires us to have a valid legal reason to process and use personal data about you. This is often called a 'legal basis'. GDPR requires us to be explicit with you about the legal basis upon which we rely in order to process information about you / your child.

In the context of research, the lawful basis upon which we will process your (child's) personal information is usually where *"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"* (Article 6 of GDPR):

Where we also collect and use sensitive personal information (special category personal data) we only do so where:

"the processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes... which shall be proportionate to the aim pursued,

respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject". (Article 9 of GDPR).

Where we need to rely on a different legal condition, such as consent, we will inform you of this in the Participant Information Sheet provided to you. In some studies, for example, we may use the following condition:

"Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards".

Sharing Data

Your information is likely to be shared within the research project team, primarily in a way that we can identify you / your child as a participant, however most personal information used in research will be pseudonymised or anonymised before sharing more widely or publishing the research outcomes. It may sometimes be necessary to share your (child's) personal information with other researchers for the purpose of achieving the research outcomes. If this is relevant to the research you are involved with, you will be provided with information about this in your Participant Information Sheet. If you have any further questions about research collaborations please contact the research team you are involved with.

If we are working with other organisations and information is shared with them, we will inform you in the Participant Information Sheet. Information shared will be on a need to know basis, not excessive and with all appropriate safeguards in place to ensure the security of your (child's) information.

We also sometimes use products or services provided by third parties who carry out a task on our behalf or used for sharing research data for collaboration. These third parties are known as data processors and when we use them we have contractual terms, policies and procedures to ensure confidentiality is respected. This does not always mean that they access your (child's) information. Moor House School & College remains responsible for your (child's) personal information as the controller and should researchers use another third party service to process your (child's) personal information, they will provide you with details about the relationship they have with the service provider / supplier / collaborator on the Participant Information Sheet.

Your (child's) personal information will only be used for the purpose of research, and cannot be used to contact you / your child or to affect care or education. It will not be used to make decisions about future services available to you / your child.

Storing Data

We will de-identify information wherever possible (anonymisation or pseudonymisation). For some research projects we cannot de-identify the information as it is necessary for achieving the outcome of the research. For such projects, we store your (child's) personal

information as part of the research for the duration of the project and for a defined period after the project has ended. This is usually defined by external regulations but may be defined by our own policies and procedures.

Retention Periods

Information where you / your child can be identified will, as such, be kept for a minimum amount of time and in accordance with the research objectives. We may, however, keep consent forms which contain personal information for a number of years after the research has been completed, as this is sometimes a requirement of the research's funder. You will be informed in your Participant Information Sheet how long personal information will be kept for.

Security

In order to protect your (child's) rights when using your (child's) personal information for research and to ensure that we meet the conditions set out in data protection law for processing special category information in a research context, we implement specific safeguards, including the following:

- Policies and procedures for each project that tell our researchers and collaborators how to collect and use your (child's) information safely;
- Training which ensures our researchers and collaborators understand the importance of data protection and how to protect your (child's) data;
- Security standards and technical measures that ensure your (child's) information is stored safely and securely;
- All research projects involving personal data are scrutinised and approved by a research ethics committee;
- Contracts with third parties have clauses setting out each party's responsibilities for protecting your (child's) personal information;
- If we use collaborators outside of Europe, we will ensure that transfers of personal information to them are carried out in compliance with data protection legislation.

In addition to the above safeguards, in accordance with data protection law, we will meet the following standards when we conduct research with your (child's) personal information:

- The research will not cause damage or distress (e.g., physical harm, financial loss or psychological pain);
- The research is not carried out in order to do or decide something in relation to an individual person;
- Moor House (as the controller) has technical and organisational safeguards in place (e.g. appropriate staff training and security measures); and
- When we process special category personal data, this is subject to a further public interest test to make sure this particularly sensitive information is required to meet the research objectives.

Your (child's) rights

Under data protection legislation you have / your child has certain individual rights in relation to the personal information we hold about you / your child. For the purposes of research where such individual rights would seriously impair research outcomes, such

rights are limited. However, subject to certain conditions, you have / your child has the following rights in relation to your (child's) personal data:

Right 1: A right to access personal data held by us about you / your child (please see section entitled "Contact" below). We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it

Right 2: A right to require us to rectify any inaccurate personal data held by us about you.

Right 3: A right to require us to erase personal data held by us about you / your child. This right will only apply where, for example, we no longer need to use the personal data to achieve the purpose we collected it for; or where you withdraw your consent if we are using your (child's) personal data based on your consent; or where you object to the way we process your (child's) data (in line with Right 6 below).

Right 4: A right to restrict our processing of personal data held by us about you / your child. This right will only apply where, for example, you dispute the accuracy of the personal data held by us; or where you would have the right to require us to erase the personal data but would prefer that our processing is restricted instead; or where we no longer need to use the personal data to achieve the purpose we collected it for, but we require the data for the purposes of dealing with legal claims.

Right 5: A right to receive personal data, which you have provided to us, in a structured, commonly used and machine-readable format. You also have the right to require us to transfer this personal data to another organisation.

Right 6: A right to object to our processing of personal data held by us about you.

Right 7: A right to withdraw your consent, where we are relying on it to use your personal data.

Right 8: A right to ask us not to use information about you /your child in a way that allows computers to make decisions about you and ask us to stop.

It is important to understand that the extent to which these rights apply to research will vary and that in some circumstances your rights may be restricted.

If you notify us (using the contact details set out below) that you wish to exercise any of the above rights and it is considered necessary to refuse to comply with any of your individual rights, you will be informed of the decision within one month and you also have the right to complain about our decision to the Information Commissioner's Office (see below for further detail on this).

Please also note that we can only comply with a request to exercise your rights during the period for which we hold personal information about you. If that information has been irreversibly anonymised and has become part of the research data set, it will no longer be possible for us to access your personal information.

Automated processing

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention. We do not use any automated processing and decision making in our research.

Contact

If you would like to discuss anything within this privacy notice, would like to access your personal data, or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with The Bursar in the first instance: <mailto:bursar@moorhouseschool.co.uk>.

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by The Bursar, then you can contact the DPO on the details below:

Data Protection Officer: Judicium Consulting Limited
Address: 72 Cannon Street, London, EC4N 6AE
Email: dataservices@judicium.com
Web: www.judiciumeducation.co.uk
Lead Contact: Craig Stilwell

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues at <https://ico.org.uk/concerns>.

Changes to this Privacy Notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.