

## COMPLAINTS PRIVACY NOTICE

Attain Academy Partnership (herein referred to as the 'Trust') is the Data Controller for the purpose of data protection law. The 'Trust' comprises of Bocking Primary School, Cressing Primary School, de Vere Primary School, Elm Hall Primary School, Gosfield Community Primary School, Newlands Spring Primary & Nursery School and Rayne Primary & Nursery School (herein referred to as the 'Academy').

This privacy notice has been written to inform individuals who are contemplating making a complaint, are in the progress of making a complaint, or have previously made a complaint about what Attain Academy Partnership does with your personal data as part of the Trust's complaints process.

### 1. Introduction

Under data protection law, individuals have a right to be informed about their personal data is processed. We comply with this right by providing privacy notices to individuals where we are processing their personal data.

Attain Academy Partnership, is the 'data controller' for the purposes of data protection law. This means that we determine the purposes for which, and the manner in which, your personal data is processed. We have a responsibility to you and your personal data and will only collect and use this in ways which are compliant with data protection legislation. This privacy notice explains how we collect, store and use personal data about individuals in relation to the complaints process. We take the security of your data seriously. We have internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed and is not accessed except by its employees and service providers in the performance of their duties. Please see below for details of our Data Protection Officer.

The headteacher / head of school in each Academy is responsible for ensuring that their Academy complies with Trust's policies and procedures in relation to Data Protection. This policy has been written with consideration given to working practices. By adopting this policy, a reduction in workload has been facilitated by reducing the need for individual academies to interpret the policy locally.

### 2. The categories of personal information that we collect, hold and share

We process data relating to individuals involved in the complaints procedure at our Trust / Academy. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Personal identifiers (your name, address, contact details)
- Any relevant information we hold on Trust / Academy systems and databases,
- Any information you, or a party to the complaint, provides us with,
- Any information passed to us by any other organisation,
- Witness statements,
- Any relevant correspondence we have had with you or another party to the complaint – including internal correspondence about you,
- Any relevant video recording (including CCTV), audio recordings, or images,
- Investigation interview notes



We may also collect, store and use information about you that falls into “special categories” of more sensitive personal data. This may include information about (where applicable):

- Race, ethnicity, religious beliefs, sexual orientation and political opinions
- Disability and access requirements

### **3. Why we collect and use personal information**

The Academy is obliged to have a complaints procedure in place. As part of our complaints procedure we are required to process personal data.

### **4. The lawful basis on which we use this information**

The Academy is legally required to operate a relevant complaints procedure as per the (Academies and Independent Schools) The Education (Independent School Standards) Regulations 2014.

The Academy relies on Article 6(1)(c) and Article 9(2)(g) of the GDPR to process your personal and special category data. This is in pursuance with Schedule 1, Part 2 (6)(2)(a) of the Data Protection Act 2018 – this means that the Academy can process your data as part of the official authority vested in us by the above legislation.

### **5. Collecting personal information**

The majority of personal information we process is collected directly from your complaint or from a complaint made by another individual. However, we may need to collect data about you from, but not necessarily limited to, the following:

- Department of education
- The Local Authority
- Our Data protection officer
- Ofsted
- The police and/ or other Law Enforcement bodies
- Local health and / or social care providers

### **6. Storing personal data**

Personal data is stored in a range of different places, including the Trust / Academy files, single central records, and in IT systems (including the filtering logs, Trust’s email system) where applicable. We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

The information is kept secure and is only used for purposes directly relevant to your complaint with the Trust / Academy.

Personal data is stored in line with the Data Protection Policy. We do not store personal data indefinitely; personal data is kept for as long as necessary to fulfil the purposes for which it was collected. Generally, the Academy will keep personal data collected as part of the complaints process for six years upon closure of the complaint. This is to ensure that the Academy can demonstrate the complaint has been handled appropriately.

In some cases the data gathered part of a complaint investigation will need to be kept for longer than six years in accordance with various legislation. For example, any complaints in relation to Looked after Children will be kept for 40 Years from closure of the file.



Details of retention periods for the different categories of personal data are available in our Data Retention Policy on the Academy website.

## **7. Who we share personal information with**

Details on who handles complaints within the Trust / Academy can be found in the Trust's Complaints Policy. The policy can be found on the [Trust website](#).

Within the Academy, we will only disclose relevant data to Academy employees or governors / trustees that require the data in order to complete the investigation, to administer the complaint or to receive advice about how to handle a complaint.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about you with:

- Department of Education
- The Local Authority
- Our appointed Data Protection Officer
- Ofsted
- Information Commissioner's Office
- Any other organisation and/or regulator when the Academy is legally required to disclose your information.

In the event that we share personal data with third parties, we will provide the minimum amount necessary to fulfil the purpose for which we are required to share the data. We do not sell personal data to any organisation for the purposes of selling products.

## **8. Why we share personal information**

We do not share information about you with anyone without consent unless the law and our policies allow us to do so. Most commonly information is shared with on a legal and public interest basis. In certain instances we may also share information on a consent basis. When you give your consent for your personal information to be held and/or shared for any purpose you can withdraw that consent at any time by contacting the Data Protection Officer (See contact details below).

We may still share your information if we believe that someone is at risk. However, the risk must be serious before we go against your right to confidentiality. If this is the case, we will ensure that we record what information we shared and our reasons for doing so. We will let you know what we have done and why as soon as or if we think it is safe to do so.

## **9. Transfer of personal information outside of the EU**

We do not share or store data in countries with no UK-equivalent privacy law protections. If we were to receive a request to send information outside of the UK, additional protection will be applied to the data and where the recipient country is not seen as 'safe' by the UK government, advice will be sought from the Information Commissioners Office prior to the data being sent.

## **10. Requesting access to your personal data**

Individuals have the following rights under data protection legislation in relation to the processing of their data. You have the right to:

- Be informed about how the Trust and / or the Academy uses your personal data. This notice fulfils that obligation

- Access the personal data the Trust and / or the Academy holds about them. When we receive a request in writing, we must normally give you access to everything we have recorded about you. However, we will not let you see any parts of your record which contains:
  - Confidential information about other people
  - Data that an information professional thinks will cause serious harm to your or someone else's physical or mental wellbeing
  - Data that may adversely affect the prevention or detection of crime if it were disclosed to you
- Change information you believe to be inaccurate. We may not always be able to change or remove information you disagree with however we will correct factual inaccuracies and may include your comments in the records.
- Be forgotten. In certain circumstances you can request the erasure of personal information used by the Trust however this does not extend to using your personal data where:
  - It is required by law
  - It is used for exercising the right of freedom of expression
  - It is in the public interest in the area of public health
  - It is for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes where it would seriously affect the achievement of the objects of the processing
  - It is necessary for the establishment, defence or exercise of legal claims.

Where personal information has been shared with others, we will make every reasonable effort to ensure those using your personal data comply with your request for erasure.

- Restrict what your information is used for. You may restrict its use when one of the following apply:
  - You have identified inaccurate information, and have notified us of this
  - Where using the information is unlawful and you wish to restrict rather than erase the information
  - Where you have objected to us using the information, and the legal reason for us using your information has not yet been provided to you.

When information is restricted it cannot be used other than to securely store the data, and with your consent, to handle legal claims, protect others or where it is important public interests of the UK

You have the right to request that the Trust / Academy stop using your personal data for some services. However, if this request is approved it may cause delays or prevent us delivering a service to you. Where possible we will seek to comply with your request, but we may need to hold or use information in connection with one of more of our legal functions.

You have the right to prevent processing for the purpose of direct marketing.

- Object to decisions being taken by automated means (by a computer and not human) unless it is required for any contract you have entered into, required by law, or you have consented to.

If you would like to exercise these rights, contact the Data Protection Officer (See Contact details below).

These rights are further explained in our Data Protection Policy available in the Data Protection section on our website. Anyone wishing to exercise these rights may do so by contacting the academy office or our Data Protection Officer. **Please see the 'Contacts' section below.**

## 11. Complaints

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 the academy in the first instance.

If you would like to make a complaint, please contact our Data Protection Officer (See Contact details below).

If you still have concerns following our response you have the right to raise the matter directly with the Information Commissioner's Office:

<b>Online</b>	<a href="https://ico.org.uk/concerns/">https://ico.org.uk/concerns/</a>
<b>Postal Address</b>	Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
<b>Email</b>	<a href="https://ico.org.uk/concerns/handling/">https://ico.org.uk/concerns/handling/</a>
<b>Phone Number</b>	0303 123 1113

## 12. Contact

If you would like to discuss anything in this privacy notice or make a Subject Access Request, please contact the Data Protection officer.

<b>Data Protection Officer</b>	Mrs Ellwood
<b>Postal Address</b>	Attain Academy Partnership, c/o Newlands Spring Primary and Nursery School, Dickens Place, Chelmsford CM1 4UU
<b>Email</b>	<a href="mailto:DPO@attain.essex.sch.uk">DPO@attain.essex.sch.uk</a>

Please ensure you include the name of the School in all correspondence with the DPO

## 13. Last updated

We may need to update the privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on **3 April 2022**.