



Positive Regard Privacy Notice

Introduction

Under data protection law, individuals have a right to be informed about how Wellspring Academy Trust ("the Trust") and Positive Regard uses any personal data that we hold about them. We comply with this right by providing privacy notices to individuals where we are processing their personal data. This privacy notice explains how we collect and use personal data about pupils, their families and the employees of those educational organisations that enter into a contract with the Trust for services provided by Positive Regard, in line with the requirements of UK GDPR (United Kingdom General Data Protection Regulation).

We will also explain what rights you have with regards to your personal data and how you can exercise those rights.

We may change our privacy notice so please check this page from time to time, as your continued use of our services indicates your acceptance of any changed terms that may have occurred during the interim.

You can find details on specific areas of our privacy notice in the sections below:

1. Who we are
2. Key Contact
3. The categories of personal data that we collect, process, hold & share
4. How is your personal information collected?
5. Lawful basis for processing
6. Special Category Data
7. How does this work in practice?
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This notice applies solely to data that we process on data subjects who are classed as employees or pupils of our client organisations. If you want to know more about how we process our own staff data you will need to read Wellspring Academy Trust workforce privacy notice that can be accessed at <https://wellspringacademytrust.co.uk/privacy-notice/>

Responsibilities

The Trust Data Protection Officer is responsible for ensuring that this notice is made available to data subjects prior to the Trust and its Academies collecting or processing their personal data.

Positive Regard staff who interact with data subjects are responsible for ensuring that this notice is drawn to the data subject's attention and where necessary their consent to the processing of their data is secured.

The personal data collected is essential, in order for Positive Regard to fulfil its official functions and meet legal requirements.

1. Who we are

Wellspring Academy Trust is a Multi Academy Trust that operates across Yorkshire, Humber and Lincolnshire. Our group encompasses provision across Primary, Secondary, Alternative and Special sector areas.

Positive Regard is a part of Wellspring Academy Trust. The service offers a range of support to address all aspects of development in school. Positive Regard specialises in behaviour support and training alongside wellbeing, counselling services & SEND education. The team of practising experts offer a comprehensive package of training and support to academies within the Trust and to other external education organisations.

2. Key Contact

Please read this notice carefully. In the event that you have any questions or concerns regarding the processing of your data you can contact:

Data Protection Officer

Email: privacy@wellspringacademies.org.uk

Telephone: 01226 720742

3. The categories of personal data that we collect, process, hold & share

The categories of trainee and other service user information that we process include:

- Personal identifiers such as First, Last Name & Date of Birth
- Team Teach certificate number
- Name of employing organisation and your contact details at that organisation e.g. work email address, postal address and telephone number
- Previous interventions and outcomes that form part of our behaviour review reports
- Details that we are required to supply to the DfE for specific grant funded DfE projects
- Emergency Contacts & Allergy information
- Video Footage containing training techniques and interventions

We collect information about you for one or more of the following purposes:

- To manage employment relations
- To provide support, training and development to our client organisations

- To assess the quality of our services
- To keep children safe and protect welfare (food allergies & emergency contact details)
- To carry out research
- To comply with the law regarding data sharing
- To manage compliments and complaints

4. How is your personal information collected?

Positive Regard collects the majority of your personal data from the school, academy or other educational institution that contracts with us for our services. This will likely be your employer or your education provider depending on whether you are an employee or pupil of that organisation respectively. This may be supplemented by personal data that a data subject provides to us directly once we have established contact.

Positive Regard predominantly processes the personal data of employees of the organisations that have contracted with us for our services however there will be occasions where we have processed the personal data of pupils as part of the services we offer. The processing of pupil personal data is limited to a very small class of identifiers.

Further to this we may also be provided with personal data by outside organisations as detailed under Section 7.

5. Lawful basis for processing

When processing your personal data we will rely on one of the following grounds as set out in Article 6 of UK GDPR:

- a. **Vital Interests:** Sometimes we need to process data to protect the life of an individual such as in an emergency situation or when a child is at risk of serious harm.
- b. **Consent:** There may be occasions when we seek your consent to process particular types of data. For example, as part of our service we use video footage of children and young adults that we work with in the training that we provide. We may approach a data subject (or a parent or guardian on a minor's behalf) for permission to use a video that contains footage of the data subject. Where we have obtained consent to use personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn. If you have changed your mind, or you are unhappy with our use of your personal data and cannot locate the contact details for your academy to withdraw your consent, please let us know by contacting the Trust Data Protection Officer (DPO) using the details in Section 2 of this privacy notice.
- c. **Public Task:** The 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.
- d. **Legitimate Interests:** The processing is necessary for our legitimate interests.

A note on Legitimate interests

As a public authority, we cannot rely on legitimate interests for any processing that we perform in respect of our tasks as a public authority. However, due to the nature of Positive Regard as a commercial entity there will be instances where we can consider legitimate interests when

appropriate. When we provide our services to educational institutions outside of the Trust this is the main ground that we rely on for processing personal data as we are offering these services as a commercial organisation and as such, this is processing that is outside of tasks we undertake as a public authority.

Some of the reasons listed above for collecting and using your personal data overlap, and there may be several grounds which justify the Trust's use of your data.

6. Special Category data

Under UK GDPR there are certain types of data that are recognised as needing greater protection due to its sensitive nature. We process some types of special category data such as **racial or ethnic origin, religious or philosophical beliefs** and data concerning **health**. To process this type of data an organisation is required to identify an Article 9 exemption as well as an Article 6 lawful basis as set out in section 5 above. We do not ask data subjects for this type of information however it may be possible to identify some of these categories from photographic or video images.

The vast majority of special category data is processed under the *explicit consent* exemption as we would request a data subject's consent in writing prior to processing. Such special category data. We may also rely on the *vital interests* exemption in the event that an individual data subject is at risk of serious harm.

7. How does this work in practice?

To assist with your understanding of how this all works in practice we have prepared a table. Where Positive Regard have obtained your personal data from another source other than the data subject (you), the source is also identified below :

<u>The data being processed</u>	<u>Our lawful basis</u>	<u>What else we need to tell you</u>
Personal identifiers such as First, Last Name & Date of Birth.	Legitimate Interests	We receive this information from your employer or the educational institution that you attend.
Team Teach certificate number.	Legitimate Interests	We receive this information from your employer if you currently hold or have previously been certified in a Team Teach course.
Name of employing organisation and your contact details at that organisation e.g. work email address, postal address and telephone number.	Legitimate Interests	We receive this information from your employer.
Previous interventions and outcomes that form part of our behaviour review reports.	Legitimate Interests	We receive some of this information from your employer or the educational institution that you attend. When we share this data back with the school it will be in pseudonymised format.
Details that we are required to supply to the DfE for specific grant funded DfE projects.	Public Task	

Emergency Contacts & Allergy information.	Vital Interests	<p>We receive this information from your employer or the educational institution that you attend.</p> <p>This special category health data would be processed as necessary under the vital interests exemption.</p>
Video Footage containing training techniques and interventions.	Consent	<p>This special category data would be processed only on the basis that you have provided explicit consent for Positive Regard to do so.</p>

8. How we may share personal information

We sometimes need to share the personal information we process with the individual themselves as well as other organisations. Where this is necessary we are required to comply with all aspects of the UK GDPR. What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons.

Where necessary or required we share information with:

- Local authorities in instances where they require notes regarding a pupil as evidence towards locating a suitable provision for that pupil or to confirm that their employee has attended a course or accessed the support we offer
- The Department for Education (if the DfE has provided specific grant funded work related to an individual school or academy)
- The organisation that has contracted with us for our services e.g. your employer or the educational institution that you attend
- Family, associates and representatives of the person whose personal data we are processing
- Professional advisers such as solicitors
- To manage persons making and enquiry or complaint
- Security organisations
- Police forces, prison and probation services, courts and tribunals
- Information System Providers for assessment purposes
- Venues that we use to facilitate training when providing open courses (for registration and attendance purposes)
- Google Ireland Ltd as providers of platforms that we use for live streaming training events that we organise (Google Meet & Youtube)
- Other platforms as requested for live streaming events that are arranged by other organisations (usually Zoom Video Communications Inc or Microsoft Inc)
- Team Teach Ltd

We do not share information about pupils, their families or the employees of those educational organisations that enter into a contract with the Trust for services provided by Positive Regard with any third party without consent unless the law and our policies allow us to do so.

The Trust & subsequently Positive Regard reserves the right to use or disclose any personal information as needed to satisfy any law, regulation or legal request, to fulfil your requests, or to cooperate in any law enforcement investigation or an investigation on a matter of public safety.

HubSpot - Tracking cookies & tracking pixels

Positive Regard uses [HubSpot](#) as its platform for marketing, sales, customer service, and customer relationship management. If you contact us using HubSpot please be aware that HubSpot Inc will be acting as a Data Processor on our behalf by processing the personal data that you provide to them.

Positive Regard also uses the tracked email feature which embeds tracking pixels in electronic correspondence. These tracking pixels monitor whether the correspondence has been opened and if any links have been accessed. Further information on how HubSpot Inc uses personal data can be found in [their own privacy notice](#).

9. International Transfers

A small number of data processors used by the Trust are based outside the UK and so their processing of your personal data will involve a transfer of data outside the UK. These processors are predominantly applications and information systems used by Positive Regard to facilitate our teaching provisions and to assist with communication (such as HubSpot). Some UK based processors may also use sub-processors (such as cloud service providers) which are located outside of the UK.

Whenever we transfer your personal data out of the UK, the Trust will ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- a. We will transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the Secretary of State.
- b. Where we use certain service providers who are outside of the adequacy regime, we will use standard data protection clauses approved by the Secretary of State which give personal data the same protection it has in the UK.

10. Storage, Retention & Disposal

The Trust & Positive Regard will only store the minimum amount of personal data necessary to provide our services to you. Your data will be stored securely and will be subject to access controls.

The table below sets out the disposal regime for specific Positive Regard data types:

Type of data	Retention period	Action taken after retention period ends
Data created during our HubSpot communications.	Three calendar years from the date of the correspondence	Secure disposal
TeamTeach assessment and course notes	Seven calendar years from the date of the training	Secure disposal
TeamTeach Health, Safety & Personal Data Consent Forms	Three calendar years from the date of the training	Secure disposal
Behaviour review reports	Seven calendar years from the date that the support was provided	Secure Disposal

Positive regard specialist training programme	One calendar year after the previous training refresher	Secure disposal
Training videos containing pupil's or staff members of external institutions	3 years from the date of the accompanying consent form. (If we would still like to use the training video we would seek further consent to retain the video for a further 12 months)	Secure disposal

All data will be disposed of in a secure and confidential manner. All electronic and physical data will be disposed of in such a manner that it cannot be reconstituted by any third party.

11. Data Security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way including alteration or disclosure. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the DPO.

Third parties who are processing personal data on our behalf will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

12. Your rights

Under the United Kingdom General Data Protection Regulation 2018, you have the following rights:

The right to be informed

As a data controller, we are obliged to provide clear and transparent information about our data processing activities. This is provided by this privacy notice and any related communications we may send you.

The right to rectification

When you believe we hold inaccurate or incomplete personal information about you, you may exercise your right to correct or complete this data. This may be used with the right to restrict processing to make sure that incorrect/incomplete information is not processed until it is corrected.

The right to erasure

Where no overriding legal basis or legitimate reason continues to exist for processing personal data, you may request that we delete the personal data. This includes personal data that may have been unlawfully processed. We will take all reasonable steps to ensure erasure. This is also known as 'the right to be forgotten'.

The right to access

You may request a copy of the personal data we hold about you free of charge. Once we have verified your identity and, if relevant, the authority of any third-party requester, we will provide access to the personal data we hold about you as well as the following information:

- a) The purposes of the processing
- b) The categories of personal data concerned
- c) The recipients to whom the personal data has been disclosed
- d) The retention period or envisioned retention period for that personal data
- e) When personal data has been collected from a third party, the source of the personal data

If there are exceptional circumstances that mean we can refuse to provide the information, we will explain the same. If requests are malicious or manifestly unfounded we reserve the right to refuse them. If answering requests is likely to require additional time or occasions unreasonable expense (which you may have to meet), we will inform you.

The right to restrict processing

You may ask us to stop processing your personal data. We will still hold the data, but will not process it any further. This right is an alternative to the right to erasure. If one of the following conditions applies you may exercise the right to restrict processing:

- a) The accuracy of the personal data is contested.
- b) Processing of the personal data is unlawful.
- c) We no longer need the personal data for processing but the personal data is required for part of a legal process.
- d) The right to object has been exercised and processing is restricted pending a decision on the status of the processing.

The right to data portability

You may request your set of personal data be transferred to another controller or processor, provided in a commonly used and machine-readable format. This right is only available if the original processing was on the basis of consent, the processing is by automated means and if the processing is based on the fulfilment of a contractual obligation.

The right to object

The right to object to us processing certain types of information when:

- a) Processing is based on legitimate interest;
- b) Processing is for the purpose of direct marketing;
- c) Processing is for the purposes of scientific or historical research; or
- d) Processing involves automated decision-making and profiling.

The Information Commissioner's Office provides [more information](#) about these rights.

If you would like to contact us about any of these rights, please email us at privacy@wellspringacademies.org.uk or write to us at:

Data Protection Officer
Wellspring Academy Trust
Digital Media Centre
County Way

Barnsley
S70 2JW

We will respond to you within 30 days of receiving your request and you will not be charged for this service.

13. Complaints

Should you wish to discuss a complaint, please feel free to contact us using the details provided above. All complaints will be treated in a confidential manner.

Should you feel unsatisfied with our handling of your data, or about any complaint that you have made to us about our handling of your data, you are entitled to escalate your complaint to a supervisory authority. For the UK, this is the ICO (Information Commissioner's Office), which is also our lead supervisory authority. The ICO's contact information can be found at <https://ico.org.uk/global/contact-us/>.