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Guidance

# Schools: Ofsted privacy notice

Updated 31 January 2020

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Ofsted is the Office for Standards in Education, Children's Services and Skills, a non-ministerial government department. We inspect and regulate services that care for children and young people, and inspect services providing education and skills for learners of all ages.

Ofsted is the data controller for the personal data described in this notice.

## Maintained schools and academies

You can jump directly to the relevant section if:

- [you are a pupil at a school](#)

- [you are a parent who has provided information to Ofsted about your child's school or made a complaint about your child's school](#)
- [you work in a school or are part of its leadership team](#)

## Why we process this personal data

Under [Part 1 of the Education Act 2005](#), Ofsted is responsible for inspecting most schools in England. We publish school inspection reports about the quality of education provided in these schools. We need to hold and process some information about pupils and how well they are doing at school. We use information about schools' staff members and parents' views to help us make our judgements and report on schools' performance.

This section sets out how we will use data for different types of people.

## I am a pupil at a school

During an inspection of your school, the inspectors will collect information about pupils by looking at school records and observing the everyday life of the school.

They will not record any names, but some of the information they collect may make it possible to identify a particular pupil. We will not publish any information that could do this in an inspection report.

We get information about pupils from the Department for Education (DfE). We use this to help us plan and carry out our inspections. We hold it for 3 years. [Section 537A of the Education Act 1996](#) allows the Department for Education to [share individual pupil data from the National Pupil Database with us](#).

### Personal data we hold about pupils

The information we hold about pupils includes:

- observations made by inspectors while at the school
- information provided to us by parents or others making complaints about a school, including information about safeguarding
- information received from the Department for Education (see above)

We get a unique number for each pupil from the National Pupil Database, and data about:

- academic performance
- age
- distance from home to school

- start/leave dates
- ethnicity
- first language
- entitlement to free school meals
- Pupil Premium indicator
- looked after children
- special educational needs and disabilities

The information we receive from the National Pupil Database does not include pupils' names.

### **How we use this data**

We have to collect and process some information about pupils and how well they are doing at school. We use the information to help us make our judgements and report on the performance of those schools.

We will use the data we receive about pupils to select schools to visit. Before inspection, inspectors use the data to help them decide what to look at during the inspection and to provide evidence for the report they publish. For example, they can use the data to compare and comment on the performance of different groups of children.

We also use some of the data for research into the national performance of schools and to produce reports about the well-being and education of children in England.

If we receive information about safeguarding, we will share this with other agencies in line with our legal duties and our [safeguarding policy](#).

## **I am a parent who has provided information to Ofsted about my child's school or made a complaint about my child's school**

We may hold information about you or your child if you, or other parents, contact us about children's experience at school. We may get this information if a complaint is made about your school or about Ofsted, or if you fill in a survey like Parent View or other forms of contact with your details.

[Under the law](#), we must consider whether to investigate qualifying complaints made to us about schools.

### **What the data includes**

We hold personal data given to us by people making complaints (or through other contact) about schools. This usually includes the details of the complainant and

their children in relation to their school experience. We use complaint investigation outcomes to inform decisions on whether we should carry out an inspection early, or to decide what inspectors should look at when on inspection.

### **How we use this data**

We will keep the information while investigating those complaints and until the next inspection of the school.

We can share complaints information with schools to help us investigate them. We may also occasionally share information received in complaints with other authorities, including the Department for Education, local authorities, multi-academy trusts, the Education, Skills and Funding Agency and the police, particularly if there are safeguarding concerns that some or all of those authorities have a duty to act on.

## **I work in a school or I am part of its leadership team**

During inspection, inspectors will record evidence of the teaching that they observe and also what teachers and the school's leadership team tell them. We do not normally keep records of the names of teaching staff, but inspectors will sometimes look at the school's employment records to ensure that it has carried out safe and appropriate recruitment.

Any report we publish will include the names of the headteacher, principal or teacher in charge, and the chair of the board of trustees or governors, and each report will comment directly on the effectiveness of leadership and management in a school.

## **Types of personal data that we might hold**

We process a range of personal data because we inspect schools in England. In most cases, we do not record names. However, it may be possible for some people to be identified from the information we have recorded alone or in combination with other information.

See [more detailed information about pupils](#).

For school staff and school leadership teams, we may collect in the course of inspections:

- information about the employment and performance of school staff
- school staff's personal opinions relevant to their work
- details of previous employment/references from staff files and other suitability checks

During inspection, inspectors will record evidence of the teaching that they observe and also what teachers and the school's leadership team tell them. We do not normally keep records of the names of teaching staff, but inspectors will sometimes look at the school's employment records to ensure that it has carried out safe and appropriate recruitment.

Any report we publish will include the names of the headteacher, principal or teacher in charge, and the chair of the board of trustees or governors, and each report will comment directly on the effectiveness of leadership and management in a school.

## **Who we might share personal data with**

In certain circumstances, we share personal data with the following organisations:

- local authorities
- schools
- multi-academy trusts
- the Department for Education
- the Education and Skills Funding Agency
- the Disclosure and Barring Service
- the Health and Safety Executive
- Ofqual
- the police
- the regional schools commissioners

We [share information with child protection agencies](#) in line with our legal duties and any statutory guidance issued by the government.

We may also share information with colleagues within Ofsted who need it to do their job.

## **How long we keep personal data and how we decide this**

We will normally keep inspection evidence for 6 months after we complete an inspection, unless it is needed for another purpose; for example, if a complaint has been made about the inspection, or if there is legal action about it.

If we receive complaints about a school, we may keep this information until the next inspection<sup>1</sup>.

We hold any data we get about pupils from the National Pupil Database for 3

years.

## **Where the personal data comes from**

As well as information recorded by our inspectors, personal data may come from a variety of sources outside of Ofsted. We may receive information from other authorities and members of the public.

Other authorities include, but are not limited to:

- the Department for Education
- the Education and Skills Funding Agency
- local authorities
- multi-academy trusts
- the police
- the Disclosure and Barring Service (DBS)
- other government departments

Members of the public include, but are not limited to:

- parents of children in education
- pupils and students
- teaching and support staff
- the press

We receive this information through our telephone contact centre, emails, other written correspondence, social media, online forms, referrals from other internal teams or from inspection.

## **The legal requirement to give us this information**

Individuals and organisations do have legal requirements to provide information to Ofsted.

[The Education Act 2005](#) gives Ofsted inspectors the power to inspect and take copies of any records kept by schools that are relevant.

Regulations<sup>2</sup> enable the Department for Education to provide Ofsted with individual pupil information that relates to school inspections.

# Independent schools

You can jump directly to the relevant section if:

- [you are a pupil at a school](#)
- [you are a parent who has provided information to Ofsted about your child's school or made a complaint about your child's school](#)
- [you work in an independent school or are part of its leadership team](#)

## Why we process this personal data

Under part 4 of the [Education and Skills Act 2008](#), the Department for Education may ask Ofsted to inspect an independent school at any time. Ofsted inspects independent schools under this legislation. We must inspect and report on the extent to which the school meets the [Education \(Independent School Standards\) Regulations 2014](#). It is necessary for inspectors to get information about the pupils and staff at these schools, before and during inspection. We also receive information about these schools from the Department for Education. We use information about schools' staff members and parents' views to help us make our judgements and report on schools' performance.

## Types of personal data that we might hold

In most cases, we do not record names. However, it may be possible for some people to be identified from the information we have recorded.

This section sets out how we will use data for different types of people.

## I am a pupil at an independent school

We get information about pupils from the Department for Education. This does not include pupils' names. We may use it to help us plan and carry out our inspections.

We may also get and process some information about how well pupils are doing at school from the National Pupil Database. If we do, we use the information to help us make our judgements and report on the performance of those schools.

Inspectors use this data before inspection to help them decide what to look at during the inspection and to provide evidence for judgements. For example, they can use the data to compare and comment on the performance of different

groups of children.

We may also use some of the data we hold to produce reports about the well-being and education of children in England, and for research into the national performance of schools.

If we receive information about safeguarding concerns, [we may share this with other agencies](#), including local authorities and the police, so that they can carry out their duties.

### **Data we may collect about pupils**

We get information about pupils from the Department for Education. This does not include pupils' names. If an independent school has supplied the information to the Department for Education, we also get a unique number for each pupil from the National Pupil Database and data about:

- academic performance
- age
- distance from home to school
- start/leave dates
- ethnicity
- first language
- looked after children
- special educational needs and disabilities

When inspectors visit a school, they may talk to pupils and write down some of what pupils tell them. Our inspectors may also write down what they see in schools. They may receive information about pupils from parents or others making complaints about the school, including information about safeguarding.

The information our inspectors collect may allow pupils to be identified, but the inspectors do not record the names of any pupils.

## **I work in an independent school or I am part of its leadership team**

Any report we publish will include the names of the headteacher and proprietor(s), and each report will comment directly on the effectiveness of leadership and management in a school.

We also store the data we receive from the annual school census for future inspections. It is used for planning and during inspections to inform what inspectors look at during inspection, and when checking compliance with the independent school standards. For example, inspectors will check the identity of proprietors, and may cross-refer to the data when checking whether the proprietor



has carried out the necessary checks on members of staff.

### **Data we may collect about school staff and leaders**

For school staff and school leadership teams (including governors and trustees), we may collect:

- the names and job titles of current and former proprietors, teaching staff and support staff
- information about the employment and performance of school staff
- school staff's personal opinions relevant to their work
- details of previous employment/references from staff files and other suitability checks

We also obtain information about school staff from the Department for Education's annual school census. Ofsted is provided with the names of the proprietor or proprietor body; the names and job titles of all teaching staff who have joined and left the school; and the names and job titles of all support staff who have joined and left the school. The school provides this data to the Department for Education in its annual school census return.

## **I am a parent who has provided information about my child's school or made a complaint to the DfE about my child's school**

We use information about parents' views to help us make our judgements and report on schools' performance.

Complaints made to Ofsted about independent schools are always passed to the Department for Education (the registration authority) because Ofsted has no powers to take any action in response to a complaint.

We may also occasionally share information received in complaints with other authorities, including local authorities and the police, particularly if there are safeguarding concerns that these authorities have a duty to act on.

### **Data we may collect about parents**

We may hold information about you or your child if you, or other parents, contact us about children's experience at school. We may get this information if a complaint is made about your school or about Ofsted, or if you fill in a survey like Parent View or other forms of contact with your details.

We also hold personal data given to us by the Department for Education if people have made complaints to them about independent schools. This usually includes the details of the complainant and their children.

## Who we might share personal data with

In certain circumstances, we share personal data with the following organisations:

- the Department for Education
- local authorities
- schools
- the Disclosure and Barring Service
- Health and Safety Executive
- the police
- other inspectorates (for example, the Independent Schools Inspectorate)

We share information with child protection agencies in line with our legal duties and other statutory guidance issued by the government.

We may also share information with relevant staff within Ofsted who need it to do their job.

## How long we keep personal data and how we decide this

We will normally keep inspection evidence for 6 months after we complete an inspection, unless it is needed for another purpose (for example, if a complaint has been made about the inspection or if the DfE plans to take regulatory or enforcement action against the school).

If we receive complaints from the DfE about a school, this information will be kept until the next inspection<sup>1</sup>.

We hold any data we get about pupils from the National Pupil Database for 3 years.

## Where the personal data comes from

As well as information recorded by our inspectors, personal data can come from a variety of sources outside of Ofsted. We may receive information from other authorities and members of the public.

Other authorities include, but are not limited to:

- the Department for Education
- other inspectorates, such as the Independent Schools Inspectorate
- local authorities

- the Disclosure and Barring Service (DBS)
- Health and Safety Executive
- the police
- other government departments

Members of the public include, but are not limited to:

- parents of children in education
- pupils and students
- teaching staff
- the press
- unrelated members of the public

We receive this information through our telephone contact centre, emails, written correspondence, social media, online forms, referrals from other internal teams or from inspection.

## Legal requirement to give us this information

Individuals and organisations do have legal requirements to provide information to Ofsted.

In order to meet the standard about provision of information, paragraph 32(1)(g) of the independent school standards requires proprietors to provide: 'any information reasonably requested in connection with an inspection under section 109 of the 2008 Act which is required for the purposes of the inspection is provided to the body conducting the inspection and that body is given access to the school's admission and attendance registers'.

## Unregistered schools

You can jump directly to the relevant section if you:

- [being investigated in relation to running a suspected unregistered school](#)
- [work in a suspected unregistered school](#)
- [are a parent of a child in a suspected unregistered school](#)
- [are a witness in an investigation of a suspected unregistered school](#)

Under the [Educations and Skills Act 2008](#), Ofsted can enter and inspect independent educational institutions, if it is suspected that they are not registered with the Department for Education. We refer to these institutions below as 'suspected unregistered schools'.

It is a criminal offence to run an unregistered school and Ofsted can investigate and collect evidence for use in proceedings against persons accused of running unregistered schools.

We can ask for and take copies of a range of personal data, when we need it to help in this work. We can collect information about people running these schools. We may also collect details of children, parents or any other individual associated with a suspected unregistered school. This information can help us to detect, prevent and investigate this criminal offence. It can also be used to protect children.

The way we gather this information can include the collection of footage using small video cameras attached to our inspector's clothes.

## **Types of personal data that we might hold**

We may hold a wide range of personal data on suspects, witnesses, parents and children as a result of our investigation into a suspected unregistered school in England. This can include:

- names
- address/contact details
- date of birth
- information about their compliance with regulations
- financial/contractual information
- previous employment/references
- details of criminal convictions and alleged offences
- relevant information received about personal life and relationships
- safeguarding information
- footage and audio recordings captured using a body worn video camera

## **How we will use personal data about you**

We will use information collected by inspectors, about each of the below categories of people, to investigate persons suspected of running unregistered schools. We will decide whether or not to refer the matter to the Crown Prosecution Service for prosecution.

The Crown Prosecution Service may use the information to decide whether or not to proceed with a prosecution against a person suspected of running an unregistered school. If the prosecution proceeds, they may also use the information as evidence in the proceeding.

The Crown Prosecution Service, by agreement with the Secretary of State, is responsible for prosecuting a person or corporate entity who runs an unregistered school.

This section sets out how we will use data for different categories of people.

### **I am being investigated in relation to running a suspected unregistered school**

We may collect information about you as part of our investigation into your alleged running of a suspected unregistered school. This can include information received about you from the public, if someone suspects that you are running an unregistered school. Our inspectors may also write down information about you at an inspection. Inspectors can capture video footage of you, if they are wearing cameras during an inspection.

### **I work in a suspected unregistered school**

We may collect information about you as part of an investigation into a suspected unregistered school. This can include information written about you by inspectors at an inspection or given to us by your employer or by the public in their correspondence about the setting. It can also include footage of you captured on video cameras worn by our inspectors at an inspection.

### **I am a parent of a child in a suspected unregistered school**

We may hold information about you or your child as part of an investigation into a suspected unregistered school. This can include information about your child that you provided to the school, for the purpose of enrolment at the setting. We will hold this information alongside our other information about the unregistered school. It may also include footage of you or your child captured on video cameras worn by our inspectors at an inspection. As far as possible, inspectors using cameras will avoid capturing footage that physically identifies your child, such as footage of their face.

If you give information to Ofsted about a safeguarding issue, we may pass a summary of this information to your local authority child protection services.

### **I am a witness in an investigation of a suspected unregistered school**

We may collect information about you as part of an investigation into a suspected unregistered school. This can include information written about you by inspectors at an inspection or given to us by you about the suspected unregistered school. It can also include footage captured on video cameras worn by our inspectors at an inspection.

## **Who we might share personal data with**

We may share personal data with other public authorities about people associated with a suspected unregistered school.

This can include video footage captured by our inspectors. Before we share any video footage, we will consider all other means of achieving the desired purpose. We will only share this footage if it is strictly necessary. If possible, we will edit the footage before sharing, to avoid unnecessary disclosure of your personal data. The following public authorities may receive personal data from us, including, when necessary, video footage:

- the Crown Prosecution Service
- Her Majesty's Courts and Tribunals Service
- the Department for Education
- local authorities
- the police
- Disclosure and Barring Service (DBS)
- Fire and Rescue Services
- Health and Safety Executive
- any other appropriate authorities, for the purpose of protecting children from harm or neglect

We may also share personal data with the following public authorities, although this will not include video footage:

- Her Majesty's Revenue & Customs (HMRC)
- Charity Commission for England and Wales

If we receive information about a safeguarding issue, we may pass a summary of this information to the relevant local authority child protection services. We [share information with child protection agencies](#) in line with our legal duties and other statutory guidance issued by the government. We may also share personal data with colleagues within Ofsted who need it to do their job. This includes inspectors and administrators who support the inspection process.

## **How long we keep personal data and how we decide this**

If we are proceeding with an investigation, we will keep relevant information during the course of the investigation and any prosecution or related court hearings that result from it. We will periodically review the retention of this data.

We will normally delete all video footage within 28 calendar days, unless the footage is necessary to be used for a criminal investigation or other purpose.

## Where the personal data comes from

As well as personal data recorded by our inspectors, your personal data can come from a variety of sources outside of Ofsted. We may also receive information from other public authorities and members of the public.

Other public authorities include, but are not limited to:

- the Department for Education
- the police
- local authorities
- Health and Safety Executive
- Fire and Rescue Services
- DBS
- other government departments, such as HMRC

Members of the public include, but are not limited to:

- parents of children
- employers
- the press

We receive this information through our telephone contact centre, emails, written correspondence, social media, online forms, referrals from other internal teams or from investigation.

## Your rights and contacting Ofsted

For more about your rights and how to get in touch with us about the information we hold, view the [Ofsted personal information charter](#).

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1. As a result of the Independent Inquiry into Child Sexual Abuse (IICSA), government departments have been asked to keep any information that may be relevant to the Inquiry. We have currently suspended deletion of school complaints information until our work with the Inquiry has finished. [↩](#) [↩2](#)
  2. Section 3(5)(b) of the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009 (Amended) [↩](#)

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