Privacy Notice – School Admission Appeals

Introduction

As an admission authority and/or organisation providing independent appeal administration services, we collect and process personal information relating to admission appeals. This notice explains why we collect and use this information, the types of information we process, who we share it with and the lawful basis for doing so.

Why do we collect data?

We collect and use personal information to:

- administer and determine school admission appeals;
- comply with our legal obligations under the School Admission Appeals Code and associated legislation;
- arrange and manage appeal hearings;
- prepare appeal papers and evidence packs;
- communicate with parents, carers, schools, panel members and clerks;
- maintain records of appeal proceedings and decisions;
- respond to complaints, legal challenges or regulatory enquiries relating to admission appeals.

Our Legal Obligations

We must ensure that information we collect and use is processed in accordance with the UK GDPR and the Data Protection Act 2018.

The processing of personal data for admission appeals is necessary because admission authorities are under a legal duty to provide an appeals process for parents and carers who wish to challenge a school admission decision. The legal framework includes:

- School Standards and Framework Act 1998;
- School Admission Appeals Code;
- Education Act 1996;
- UK GDPR;
- Data Protection Act 2018.

The lawful basis for processing personal data in connection with admission appeals is:

Article 6(1)(c) UK GDPR – Compliance with a legal obligation

The admission authority has a statutory duty to administer and determine admission appeals in accordance with the School Admission Appeals Code.

Article 6(1)(e) UK GDPR – Public Task

Processing is necessary for the performance of a task carried out in the public interest and in the exercise of official authority vested in the admission authority.

Where special category personal data is provided as part of an appeal, such as medical information or information concerning disabilities or special educational needs, the additional condition relied upon will normally be:

Article 9(2)(g) UK GDPR – Substantial public interest

or

Article 9(2)(h) UK GDPR – Health or social care purposes

where relevant to the appeal.

The admission appeal process does not rely upon consent as the lawful basis for processing. Personal information is processed because there is a statutory obligation to administer and determine admission appeals fairly and lawfully.

Sharing Information

We may share information with:

- independent appeal panel members;
- appeal clerks;
- admission authorities;
- academy trusts;
- schools;
- local authorities;
- legal advisers;
- auditors and regulators;
- the Department for Education where required;
- courts or tribunals where necessary;
- the Local Government and Social Care Ombudsman where a complaint or investigation is made.

Information will only be shared where it is necessary and lawful to do so.

All individuals involved in the appeal process are required to maintain confidentiality and comply with data protection requirements.

How We Use the Data

Information submitted as part of an appeal may be used to:

- assess and determine the appeal;
- verify information provided by parties to the appeal;

- prepare appeal documentation;
- notify parties of hearing arrangements and decisions;
- maintain accurate records;
- defend legal challenges or complaints;
- monitor the fairness and effectiveness of the admissions appeal process.

Appeal decisions are made by independent appeal panels. Personal data is used only to the extent necessary for the panel to reach a lawful and fair decision.

What Type of Data Is Collected?

The categories of information collected may include:

- names and contact details of parents, carers and children;
- home addresses;
- dates of birth;
- school application information;
- admission decision information;
- details of parental representations and supporting evidence;
- correspondence relating to the appeal;
- medical information where relevant;
- special educational needs information where relevant;
- social, welfare or family circumstances relied upon in the appeal;
- records of appeal hearings;
- appeal outcomes and decisions.

Only information relevant to the appeal process is collected and used.

Retention of Information

Appeal records are retained in accordance with the admission authority's document retention schedule and data protection policies.

At the end of the retention period, records will be securely destroyed or deleted.

Requesting Access to Your Personal Data

Under data protection legislation, you have the right to request access to personal information that we hold about you.

You may also have the right to:

- request rectification of inaccurate information;
- request restriction of processing in certain circumstances;
- object to processing where appropriate;
- complain about the way your information has been handled.

Requests should be directed to the Data Protection Officer.

Transferring Data Internationally

Where personal data is transferred outside the United Kingdom, it will only be transferred where appropriate safeguards are in place and in accordance with data protection legislation.

Contact

If you have any questions about this privacy notice or about how your personal information is handled, please contact:

John Walker
PHP Law LLP
Unit 3, The Brutus Centre
Station Road
Totnes
Devon TQ9 5RW
info@phplaw.co.uk
0300 303 4360

You also have the right to complain to the Information Commissioner's Office (ICO) if you are unhappy with how your personal information is used.

More Information About Data Protection

Further information about how we process and protect personal data can be found in our Data Protection Policy and related policies.

Review

This privacy notice will be reviewed periodically. Any substantial changes affecting the processing of personal data will be communicated where appropriate.