PRIVACY NOTICE:
How we collect and use learner information

Updated: November 2026
This privacy notice describes how we collect and use personal information about pupils, 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) was incorporated into UK law as retained EU law and is now known as the UK GDPR. The UK GDPR operates alongside the Data Protection Act 2018, which supplements it by setting out additional provisions on matters such as the processing of personal data is specific sectors, exemptions, the powers of the Information Commissioner, and enforcement. The Data (Use and Access) Act 2025 further amends both the UK GDPR and Data Protection Act 2018 to modernise UK data protection rules and clarify certain rights and obligations. The GDPR continues to apply within the EU and to organisations that process personal data of individuals located in the EU.

This notice applies to all pupils and parents.

1. Who Collects This Information?

Big Creative Academy is a "data controller." This means that we are responsible for deciding how we hold and use personal information about learners and parents. Under data protection legislation, we are required to notify you of the information contained in this privacy notice.

This notice does not form part of any contract to provide services and we may update this notice at any time.

It is important that you read this notice with any other policies mentioned within this privacy notice, so that you are aware of how and why we are processing your information, what your rights are under data protection legislation and the procedures we take to protect your personal data.

2. Data Protection Principles

We will comply with the data protection principles when gathering and using personal information, as set out in our data protection policy.

3. Categories of Learner Information We Collect, Process, Hold and Share

We may collect, store and use the following categories of personal information about you:

- Personal information such as name, learner number, date of birth, gender and contact information;
- Emergency contact and family lifestyle information such as names, relationship, phone numbers and email addresses;
- Characteristics (such as language, and free college meal eligibility);
- Attendance details (such as sessions attended, number of absences and reasons for absence);
- Performance and assessment information;
- Behavioural information (including exclusions);

- Images of learners engaging in college activities, and images captured by the college's CCTV system;
- Information about the use of our IT, communications and other systems, and other monitoring information;
- Financial details;
- Post 16 learning information

We also collect, store and use the following more sensitive types of personal information:

- Information about your race or ethnicity, religious or philosophical beliefs
- Information about your health, including any medical conditions and sickness records.
- Special educational needs information

4. Collecting this Information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. To comply with the UK General Data Protection Regulation, we will inform you whether you are required to provide certain learner information to us or if you have a choice in this.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

5. How We Use Your Personal Information

We hold learner data and use it for:

- Learner selection (and to confirm the identity of prospective learners and their parents);
- Providing education services and extra-curricular activities to learners, and monitoring learners' progress and educational needs;
- Informing decisions such as the funding of colleges;
- Assessing performance and to set targets for colleges;
- Safeguarding learners' welfare and providing appropriate pastoral (and where necessary medical) care;
- Support teaching and learning;
- Giving and receive information and references about past, current and prospective learners, and to provide references to potential employers of past learners;
- Managing internal policy and procedure;
- Enabling learners to take part in assessments, to publish the results of examinations and to record learner achievements;
- To carry out statistical analysis for diversity purposes;
- Legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with legal obligations and duties of care;
- Enabling relevant authorities to monitor the college's performance and to intervene or assist with incidents as appropriate;
- Monitoring use of the college's IT and communications systems in accordance with the college's IT security policy;

- Making use of photographic images of learners in college publications, on the college website and on social media channels;
- Security purposes, including CCTV;
- Where otherwise reasonably necessary for the college's purposes, including to obtain appropriate professional advice and insurance for the college.
- To provide support to learners after they leave the college

6. The Lawful Bases on which we use this Information

We will only use your information when the law allows us to. Most commonly, we will use your information in the following circumstances:

- Consent: the individual has given clear consent to process their personal data for a specific purpose;
- Contract: the processing is necessary for a contract with the individual;
- Legal obligation: the processing is necessary to comply with the law (not including contractual obligations);
- Vital interests: the processing is necessary to protect someone's life.
- Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law; and
- The Education Act 1996: for Departmental Censuses 3 times a year. More information can be found at: https://www.gov.uk/education/data-collection-and-censuses-for-colleges.

We mainly use pupils' personal data to comply with legal obligations and to perform tasks carried out in the public interest Please note that we may process information without knowledge or consent, where this is required or permitted by law.

7. How we use particularly sensitive personal information

Special categories of particularly sensitive personal information, such as information about your health, racial or ethnic origin, sexual orientation, or biometrics (as defined under UK GDPR as "special category data") require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations in line with our data protection policy.
- For reasons of substantial public interest, such as for equal opportunities monitoring.
- Where necessary to establish, exercise or defend legal claims;
- Where necessary to protect your vital interests (or those of another person) and you are unable to consent.

8. Sharing Data

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We may need to share your data with third parties where it is necessary. There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared unless it's the only way we can make sure you stay safe and healthy, or we are legally required to do so.

We share learner information with:

- the Department for Education (DfE) - on a statutory basis under section 3 of The Education (Information About Individual Learners) (England) Regulations 2013;
- Ofsted;
- Other Colleges that learners have attended/will attend;
- NHS;
- Welfare services (such as social services);
- Law enforcement officials such as police, HMRC;
- Local Authority Designated Officer;
- Professional advisors such as lawyers and consultants;
- Support services (including insurance, IT support, information security);
- Providers of learning software such as Arbor, Morrisby, CPOMS
- The Local Authority.
- Youth support services – under section 507B of the Education Act 1996, to enable them to provide information regarding training and careers as part of the education or training of 13–19-year-olds;
- other organisations within the Big Creative Education brand

The Department for Education request regular data sharing on pupil attendance to help support those vulnerable students and to assist with intervention strategies. Further information on how the Department for Education collects this data will be made available on the academy website.

Information will be provided to those agencies securely and/or anonymised where possible. The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the UK and the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

Pupils aged 16+

We will also share certain information about pupils aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13–19-year-olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers
- youth support services
- careers advisers

For more information about services for young people, please visit our local authority website.

9. Retention Periods

Except as otherwise permitted or required by applicable law or regulation, the college only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

Information about how we retain information can be found in our Data Retention policy. This document can be found at www.bcepolicies.com

10. Security

We have put in place measures to protect the security of your information (i.e., against it being accidentally lost, used or accessed in an unauthorised way). 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.

You can find further details of our security procedures within our Data Breach Policy and our Information Security Policy, which can be found at www.bcepolicies.com

It is important that the personal information we hold about you is accurate and current. Please keep us information if yours or your child's personal information changes while your child attends our college.

11. The National Learner Database

The NPD is owned and managed by the Department for Education and contains information about learners in colleges in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including colleges, local authorities and awarding bodies.

We are required by law, to provide information about our learners to the DfE as part of statutory data collections such as the college census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Learners) (England) Regulations 2013.

To find out more about the NPD, go to https://www.gov.uk/government/publications/national-learner-database-user-guide-and-supporting-information.

The department may share information about our learners from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data?
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to learner information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

For information about which organisations the department has provided learner information, (and for which project), please visit the following website:
https://www.gov.uk/government/publications/national-learner-database-requests-received

To contact DfE: https://www.gov.uk/contact-dfe

Under data protection legislation, parents and learners have the right to request access to information about them that we hold. To make a request for your personal information, please contact the Academy at AcademyDataProtection@bigcreative.education

12. Your Rights of Access, Correction, Erasure and Restriction

Under certain circumstances, by law you have the right to:

- Access your personal information (commonly known as a "subject access request"). This allows you to receive a copy of the personal information we hold about you and to check we are lawfully processing it. You will not have to pay a fee to access your personal information. However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.
- Correction of the personal information we hold about you. This enables you to have any inaccurate information we hold about you corrected.
- Erasure of your personal information. You can ask us to delete or remove personal data if there is no good reason for us continuing to process it.
- Restriction of processing your personal information. You can ask us to suspend processing personal information about you in certain circumstances, for example, if you want us to establish its accuracy before processing it.
- To object to processing in certain circumstances (for example for direct marketing purposes).
- To transfer your personal information to another party.

If you want to exercise any of the above rights, please contact the Academy at AcademyDataProtection@bigcreative.education in writing.

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).

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13. Right to Withdraw Consent

In circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Academy at AcademyDataProtection@bigcreative.education

Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

14. Contact

If you would like to discuss anything within this privacy notice or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with the Academy at AcademyDataProtection@bigcreative.education in the first instance. We will acknowledge receipt of your complaint within 30 calendar days, and we will investigate and respond without undue delay. Further information about the way we handle data protection complaints can be found in our Data Protection Policy, available www.bcepolicies.com

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 Academy at AcademyDataProtection@bigcreative.education then you can contact the DPO on the details below:

Data Protection Officer:	Judicium Consulting Limited
Address:	5th Floor, 98 Theobalds Road, London, WC1X 8WB
Email:	dataservices@judicium.com
Web:	www.judiciumeducation.co.uk

Should you remain dissatisfied with our response, you also have the right to make a complaint to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

15. 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.