



Legal Conditions for Processing

Appendix 1 of the Data Protection Policy

Approved by the Trust Board on 2 October 2025

Applicable from 3 October 2025

Last Reviewed:	August 2025 (in preparation to seek approval in October 2025)
Reviewed by:	Tammy Pyszky, Head of Data Protection
Next Review Date:	October 2026
Version Changes:	Change The Education (Pupil Registration) (England) Regulations 2006 to The School Attendance (Pupil Registration) (England) Regulations 2024

This document will be reviewed annually, or more frequently when significant changes are made to the law.

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Appendix.1: Legal Conditions for Processing

A1.1 Introduction

“Personal data” means any information where a living person is either identified or identifiable, from the information alone, or with other information. Personal data can include written information, pupil work, photographs, CCTV and film footage or voice recordings, in electronic format (which can include in social media, apps, databases or other electronic formats) or hard copy (including copies printed from electronic sources, and handwritten data when it is part of a filing system, or intended to be filed).

“Special category data” is personal data that needs more protection because it is sensitive, and there are tighter controls around this type of data:

- personal data revealing racial or ethnic origin;
- personal data revealing political opinions;
- personal data revealing religious or philosophical beliefs;
- personal data revealing trade union membership;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning physical and mental health;
- data concerning a person’s sex life; and
- data concerning a person’s sexual orientation.

In addition, the DfE advises that Pupil Premium/Free School Meal (FSM) status is treated as Sensitive Data.

“Data Subjects” include our pupils, staff, contractors, parents, local authority contacts, and anyone else we might come into contact with.

“Data Controller” means the Trust (and all of our academies), which alone or jointly with other Data Controllers, decides on why and how personal data is processed.

“Processing” means collecting, storing, using, sharing and disposing of data.

“Processors” are the external bodies who process personal data on behalf of the controller.

A1.2 Our role and basis for processing

The role of any academy trust is to educate and safeguard children. These are statutory obligations and come from various Acts and statutory instruments.

This means the overwhelming volume of our collection and processing of data is based on the legal condition listed in Article 6(1)(c) of the UK GDPR that “processing is necessary for compliance with a legal obligation to which the controller is subject”. The relevant legal obligations depend on the specific data processing, but they include:

- Equality Act 2010
- Education (Governors’ Annual Reports) (England)(Amendment)Regulations 2002.
- Special Educational Needs and Disability Act2001
- Health & Safety of Pupils on Educational Visits 1998
- Safeguarding Vulnerable Groups Act 2006
- Disability Discrimination Act(s)
- The Education Act 1944, 1996, 2002, 2011
- The Education & Adoption Act 2016
- The Education (Information About Individual Pupils) (England) Regulations 2013
- The Education and Skills Act 2008
- The School Attendance (Pupil Registration) (England) Regulations 2024
- Statutory Guidance for Local Authorities in England to Identify Children Not Receiving Education – February 2007)
- The Education and Inspections Act 2006
- The Children Act 1989, 2004
- The Childcare Act 2006
- The Children & Families Act 2014
- Local Safeguarding Children Boards Regulations 2006 (SI 2006/90)
- The Localism Act 2011 Contract (traded services)
- The Education (Pupil Information) (England) Regulations 2005
- Keeping Children Safe in Education 2024 (Statutory Guidance)

Processing personal data as part of some of our functions related to safeguarding children that don’t directly link to a statutory function above is based on Article 6(1)(e) of the UK GDPR, that “processing is necessary for the performance of a task carried out in the public interest.”

We have a separate Special Category Data Policy document which sets out in detail what lawful basis we rely on for processing Special Category Data.

When we wish to process data for any other reason, and we do not have another lawful basis, we will ask for consent as per Article 6(1)(a) of the UK GDPR. Typically, this will be for areas of our work that includes the public celebration of our academies and our pupils’ work. Data Subjects, or their parent/guardian, retain the right to change their consent preferences at any time by notifying the relevant academy office.

A1.3 Data Subjects' Rights

All of our data subjects have a number of rights – these are detailed in section 1.6 of the Data Protection Policy.

To exercise these rights or for further help and information about processing and our commitment to keeping data safe, please contact our Head of Data Protection:

Head of Data Protection	Tammy Pyszky
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