



Text/E-mail messaging service and consent

Introduction

In order to keep parents informed of important information about school, for example snow days, trips, etc most schools now use either a text or e-mail messaging service to contact parents.

What are the implications under Data Protection Law?

The school will need to identify a lawful basis for processing parent contact details in order to comply with Article 6 of the UK General Data Protection Regulation (GDPR).

The lawful basis for contacting parents via text/email messaging to advise parents of snow days/Subject Assessment dates, etc or anything which can be wholly linked to providing an education can be processed either via consent Article 6 (1)(a) or legitimate interests Article 6 (1)(f).

When can consent be used?

If the school is giving parents a real choice in whether they subscribe to the messaging service and can provide an alternative method of providing the same information (e.g. by letter) if the parent chooses, then consent can be used as the lawful basis for processing this information and the attached consent form can be used.

When would it be appropriate to use a Legitimate Interest Assessment?

If the school is not giving the parents any choice about being contacted by any other method than text/email and is not offering an alternative then the school may be in a position to demonstrate that they are using 'legitimate interests' as their lawful basis for processing information in this manner. If this is the case they will then need to conduct a Legitimate Interests Assessment as evidence of their considerations when using this as a lawful basis for processing.

What is a Legitimate Interest Assessment?

With a Legitimate Interest Assessment the onus is on the school to balance the legitimate interests of the school, i.e. informing parents of important information about the school which will impact on the pupil, and the processing of personal data against the wishes of the individual, i.e. the parent's contact details. This is different to the other lawful bases, which presume that your interests and those of the individual are balanced.

The key interests of the legitimate interest provision can be determined by a three part test:

1. **Purpose test** – is there a legitimate interest behind the processing? (Informing parents about important information that will impact on the pupil in an efficient and secure manner)

2. **Necessity test** – is the processing necessary for that purpose? (By using the contact details the parent will be assured that they will be receiving messages in a timely manner without leaving the responsibility of delivering messages to the pupil)
3. **Balancing test** – is the legitimate interest overridden by the individual's interests, rights or freedoms? (There is an expectation that parents will be updated in a timely manner about anything that will impact upon a pupil whilst they are at the school. The most appropriate method to provide parents with this information is via the text/messaging service which will ensure that important messages are delivered to parents without reliance on the pupil)

In our school Privacy Notice we are clear that parent information will be shared in this way and the lawful basis for doing so.

Using the text messaging service for other activities

When using parent's emails/texts to 'market' any activities within school or promote, for example, outside sports events being offered by external organisations which are outside of providing an education, this type of communication is covered by the **Privacy and Electronic Communication Regulations**. This means that if you are sending these emails/texts to parents you will need their explicit consent for them to be contacted in this way. This consent needs to be fully informed and a record of this needs to be kept as evidence.

This can be achieved by adapting the template below to include an opt in statement that gives explicit consent to marketing and other purposes.

Name of academy

[Insert Date]

Dear Parents/Guardians,

[Insert name of Text/Messaging Service]

We currently use a variety of ways to communicate information to yourselves for example, newsletters, the school website and our very efficient text messaging service.

The [Insert name of Text/Messaging] service allows us to send message instantly for a variety of reasons:

- To notify you of a school closure in bad weather
- As a reminder for events and payments
- To contact you with changes to arrangements for school visits and return times.
- To inform you that your child has arrived safely at the location of a residential visit.
- [Insert any other reason]

As you may be aware, in order to comply with Data Protection Law, we need to obtain your consent to share your details. Therefore, could you please complete the slip below, giving permission for us to share your contact details with [Insert name of Text/Messaging] service, and return it to school by no later than [Insert date].

If you fail to return the form by the above date or refuse permission, then your contact details will be removed from the service and we will be unable to use this method to communicate important information to you.

Thank you for your support.

Yours sincerely,

[Insert name]
[Insert job title]

[Insert name of Text/Messaging Service] – Text Messaging Service

Child's Name

- I **do** give permission for [Insert name of school] to share my details with

(c) Corporate Information Governance Team

CIGT January 2021

[Insert name of Text/Messaging Service] in order for text messages to be received

- I **do** give permission for my email/text contact details to be used for keeping me updated about PTA activities.
- I do give permission for my email/text contact details to be used for keeping me informed about activities being offered by external organisations (e.g. tennis club)

PLEASE DELETE AS APPROPRIATE

Please note: You can withdraw your consent at any time by contacting the school

Signed

Print Name

Relationship to child