

Data Protection (Ref: *Data Protection Act 1998*)

*This policy forms part of our Parent-School Issues Policy, sections 6.31 – 6.48; (please see full list of policies on the website)*

General statement of the School's duties. The School is required to process relevant personal and sensitive data regarding pupils and their parents and guardians as part of its operation and shall take all reasonable steps to do so in accordance with this Policy. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this Policy any reference to pupils includes current past or prospective pupils. The school may also be required to process data relevant to external entities, either individual or company, in relation to trips and other activities and shall take all reasonable steps to protect such data.

Data Protection Controller (DPC): The School has appointed the Bursar as the DPC who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998. Any enquiries regarding data should be addressed in writing to the DPC.

The Principles. The School shall so far as is reasonably practicable comply with the Data Protection Principles ("the Principles") contained in the Data Protection Act to ensure all data is:-

- Fairly and lawfully processed;
- Obtained and processed for a lawful purpose;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Not kept for longer than necessary;
- Processed in accordance with the data subject's rights;
- Secure;
- Not transferred to other countries without adequate protection.

Personal data covers both facts and opinions about an individual. The School may process a wide range of personal data of pupils, their parents / guardians and other entities as part of its operation. This personal data may include (but is not limited to); names and addresses, bank details, academic, disciplinary, admissions and attendance records, references, examination scripts and marks.

Processing of personal data. Consent may be required for the processing of personal data unless the processing is necessary for the School to undertake its obligations to pupils and their parents or guardians. By agreeing to the School's Terms and Conditions such consent has been given. Any information which falls under the definition of personal data, and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this Policy.

Data adequacy and time. Data held about individuals will be adequate, relevant and not excessive in relation to the purposes for which data is being processed. Data held about pupils will not be retained for longer than the pupil's 25<sup>th</sup> birthday and will then be destroyed in a confidential manner. Data held about unsuccessful applicants for admission to the School will be retained for no more than 12 months from the date of rejection. Data held about pupil siblings will be retained no longer than a sibling's 16<sup>th</sup> birthday.

Sensitive personal data. The School may, from time to time, be required to process sensitive personal data regarding a pupil, their parents or guardians. Sensitive personal data includes medical information and data relating to religion, race, or criminal records and proceedings. Where sensitive personal data is processed by the School, the explicit consent of the appropriate individual will generally be required in writing. In providing consent the School will bring the contents of this policy to the individual's attention.

Rights of access. Individuals have a right of access to information held by the School. Any individual wishing to access their personal data should complete a data subject access form available from the School office and send it to the DPC. The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within 40 days for access to records and 21 days to provide a reply to an access to information request. Should more information be required to establish either the identity of the individual or the type of data requested, the time for the School's response will not start to run until such information has been provided.

[Please note that the School may charge an administration fee of up to £10.00 for providing this information.]

You should be aware that certain data is exempt from the right of access under the Data Protection Act and is therefore not disclosable to the individual. This may include information which identifies other individuals, information which the School reasonably believes is likely to cause damage or distress, or information which is subject to legal professional privilege. The School is also not required to disclose any pupil examination scripts.

The School will also treat as confidential any reference given by the School for the purpose of the education, training or employment, or prospective education, training or employment of any pupil. The School acknowledges that an individual may have the right to access a reference relating to them received by the School. However such a reference will only be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent or if disclosure is reasonable in all the circumstances.

#### Whose rights?

The rights under the Data Protection Act are the individual's to whom the data relates. The School will however in most cases rely on parental consent to process data relating to pupils unless, given the nature of the processing in question, and the pupil's age and understanding, it is unreasonable in all the circumstances to rely on the parent's consent. Parents should be aware that in such situations they may not be consulted.

The School will only grant the pupil direct access to their personal data if in the School's reasonable belief the pupil understands the nature of the request.

Pupils agree that the School may disclose their personal data to their parents or guardian.

Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the School believes disclosure will be in the best interests of the pupil or other pupils.

#### Disclosure of Information

The School may receive requests from third parties to disclose personal data it holds about pupils, their parents or guardians. The School confirms that it will not generally disclose information unless the individual has given their consent or one of the specific exemptions (see below) under the Data Protection Act applies. However the School does intend to disclose such data as is necessary to third parties for some purposes, some of which are:

- To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend. Such reference will, as relevant, give any information relating to the child's special needs or medical condition.
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend.
- To publish the results of public examinations or other achievements of pupils of the School.
- To disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips.

Where the School receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

Exemptions. Certain data is exempted from the provisions of the Data Protection Act which includes the following:

- The prevention or detection of crime;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School.

The above are examples only of some of the exemptions under the Act. In these circumstances the School will disclose the data to third parties without reference to the individual, parents or guardians. Any further information on exemptions should be sought from the DPC.

Use of Personal Information by the School.

- The School will, from time to time, make use of personal data relating to pupils, their siblings, their parents or guardians by publishing photographic images of pupils in School publications, on the School website and in external press/advertising publications when the School is of the view that it is necessary or appropriate in the context of the use of the image. Should you wish to limit or object to any such use please notify the DPC in writing. See also Policy on Use of Pupils' Photographs and Images in Appendix 1.
- On leaving the school, pupils' contact information is passed to the Alumni office for the purpose of maintaining relationships.

Website Privacy Policy and the Use of Cookies. The use of cookies on the School website is covered in Appendix 2.

Accuracy. The School will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the DPC of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

Where an individual challenges the accuracy of their data, the School will as soon as is reasonably practicable mark the record as potentially inaccurate or 'challenged'. In the case of a dispute, the DPC shall try to resolve the issue informally, but if this proves impossible, the individual should refer to the School's complaints procedure. Until resolved the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

Security. The School will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The School will ensure that all personal information is held securely and is not accessible to unauthorised persons.

Enforcement. If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they should utilise the School complaints procedure and should also notify the DPC. The DPC is the Bursar and can be contacted via the school.