



CHAFYN GROVE SCHOOL

SCHOOL PRIVACY NOTICE

1. Background

The current law (the Data Protection Act 1998) changed on 25 May 2018 with the implementation of the General Data Protection Regulation (GDPR). This is an EU Regulation that is directly effective in the UK and throughout the rest of Europe. A new Data Protection Act 2018 has also been passed to deal with certain issues left for national law: this includes specific provisions of relevance to independent schools. In particular, in the context of our safeguarding obligations, the School has a duty to ensure that the personal data is at all times handled responsibly and securely.

This policy sets out the School's expectations and procedures with respect to processing any personal data for educational purposes in connection to Chafyn Grove School.

2. The Principles

The GDPR sets out six principles relating to the processing of personal data which must be adhered to by data controllers (and data processors). These require that personal data must be:

1. Processed lawfully, fairly and in a transparent manner.
2. Collected for specific and explicit purposes and only for the purposes it was collected for.
3. Relevant and limited to what is necessary for the purposes it is processed.
4. Accurate and kept up to date.
5. Kept for no longer than is necessary for the purposes for which it is processed.
6. Processed in a manner that ensures appropriate security of the personal data.

3. What This Policy Is For

This policy is intended to provide information about how the school will use or process personal data about members of the Chafyn Grove School community, who are encouraged to read this policy and understand the School's obligation to all stakeholders.

This Policy also applies in addition to the School's other relevant terms and conditions and policies including:

- Any contract between the school and parents of pupils
- The Schools policy on taking, storing and using images of children
- The Schools CCTV and/or biometrics policy
- The Schools retention of records policy
- The Schools safeguarding, pastoral or health and safety policies
- The Schools IT policies, including its Acceptable User policy

Anyone who works for, or acts on behalf of the school (including staff, volunteers, governors and service providers) should also be aware of and comply with this policy.

4. Responsibility for Data Protection

The Governing Body has appointed a Data Protection Officer (DPO), who will endeavour to ensure that all personal data is processed in compliance with this policy and the principles of the GDPR. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the Bursar.

5. Data Retention

The school will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep pupil files is up to 7 years following departure from the school. However, incident reports and safeguarding files will need to be kept indefinitely, in accordance with specific legal requirements.

If you have any specific queries about how this policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Bursar. However, please bear in mind, that the school may have lawful and necessary reasons to hold on to some data.

6. Lawful Grounds For Data Processing

In order to carry out its ordinary duties to all members of the school community, the school may process a wide range of personal data about individuals as part of its daily operation. Some of these activities the school will need to carry out in order to fulfil its legal rights, duties or obligations for current and prospective parents of pupils.

Other uses of personal data will be made in accordance with the schools legitimate interests, or the legitimate interest of another, provided that these are not outweighed by the impact on individuals and provided it does not involve special or sensitive types of data.

The school expects that the following uses may fall within that category of it's "**legitimate interests**":

- For the purposes of pupil admission (and to confirm the identity of prospective pupils and their parents).
- To provide education services, including musical education, physical training or spiritual development, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs.
- Maintaining relationships with alumni and the school community, including direct marketing or fundraising activity through the School or FCGS.
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background.
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity or gender pay gap analysis and taxation records).
- To enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate.
- To give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution

that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils;

- To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils of the school.
- To safeguard pupils' welfare and provide appropriate pastoral care.
- To monitor (as appropriate) use of the school's IT and communications systems in accordance with the school's IT acceptable use policy.
- To make use of photographic images of pupils in school publications, on the school website and (where appropriate) on the school's social media channels in accordance with the school's policy on taking, storing and using images of children.
- For security purposes, including CCTV in accordance with the school's CCTV policy.
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school. In addition, the school may need to process special category personal data (concerning health, ethnicity, religion, biometrics, etc) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons may include:
 - a) To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition where it is in the individual's interests to do so: for example medical advice, social services, insurance purposes or to organisers of school trips.
 - b) To provide educational services in the context of any special educational needs of a pupil.
 - c) To run any of its systems that operate on biometric data.
 - d) For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

7. Types Of Personal Data Processed By The School

This will include by way of example:

- a) names, addresses, telephone numbers, e-mail addresses and other contact details;
- b) car details (about those who use our car parking facilities);
- c) biometric information, which will be collected and used by the school;
- d) bank details and other financial information, e.g. about parents who pay fees to the school;
- e) past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- f) where appropriate, information about individuals' health, and contact details for their next of kin;

- g) references given or received by the school from previous educational establishments and/or other professionals or organisations working with pupils and staff; and
- h) images of pupils (and occasionally other individuals) engaging in school activities, and images captured by the school's CCTV system (in accordance with the school's policy on taking, storing and using images of children);

8. Access To Personal Data And Who The School Shares It With

Occasionally, the school will need to share personal information relating to its community with third parties, such as professional advisers (lawyers, debt collection agencies and accountants) or relevant authorities (HMRC, police or the local authority). For the most part, personal data collected by the school will remain within the school, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records [held and accessed only by the school doctor and appropriate medical staff under his/her supervision, or otherwise in accordance with express consent]; and
- pastoral or safeguarding files.

However, a certain amount of any SEN pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires. Staff, pupils and parents are reminded that the school is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information about this, please view the school's Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of the school's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the school's specific directions.

9. How The School Collects Data

Generally, the school receives personal data from the individual directly (including, in the case of pupils, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments).

However, in some cases personal data may be supplied by third parties (for example from another school, or other professionals or authorities working with that individual); or collected from publicly available resources.

10. Rights Of Individuals

In addition to the School's responsibilities when processing personal data, individuals have certain specific rights, perhaps most significantly that of access to their personal data held by a data controller (i.e. the School). This is known as the 'subject access right' (or the right to make 'subject access requests').

The school will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, which is one month in the case of requests for access to information. The school will be better able to respond quickly to smaller, targeted requests for information. If the request is manifestly excessive or similar to previous requests, the school may ask you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it.

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal professional privilege. The school is also not required to disclose any pupil examination scripts (though examiners' comments may fall to be disclosed), nor any confidential reference given by the school for the purposes of the education, training or employment of any individual.

Individuals have legal rights to:

- Access your personal information and certain other supplementary information that this Privacy Notice is already designed to address.
- Require us to correct any mistakes in your information which we hold.
- Require the erasure of personal information concerning you in certain situations.
- Receive the personal information concerning you which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit that information to a third party in certain situations.
- Object at any time to processing of personal information concerning you for direct marketing.
- Object to decisions being taken by automated means which produce legal effects concerning you or similarly significantly affect you.
- Object in certain other situations to our continued processing of your personal information, for example, where we process personal information on the basis of 'legitimate interest'.
- Otherwise restrict our processing of your personal information in certain circumstances.

For further information on each of those rights, including the circumstances in which they apply, see the Guidance from the UK Information Commissioner's Office (ICO) on individuals' rights under the General Data Protection Regulation.

If you would like to exercise any of these rights, please:

1. Contact our Data Protection Officer.
2. Let us have enough information to identify you.
3. Let us have proof of your identity and address (a copy of your driving licence or passport and a recent utility or credit card bill).
4. Let us know the information to which your request relates including dates or sources of information. In some circumstances, we may need a pupil's authorisation to respond to a request for information about them by a parent (please see below).
5. If you would like to unsubscribe from any marketing communications you receive from us, please contact our DPO. It may take up to five working days during term time for any changes to be implemented. Until that point, our continued use of your information will be lawful.

11. Pupil Requests

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the school, they have sufficient maturity to understand the request they are making (see section Whose Rights below).

Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the information in question is always considered to be the child's at law.

A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf. Moreover (if of sufficient age) their consent or authority may need to be sought by the parent making such a request.

Pupils aged 13 and above are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. All information requests from, or on behalf of, pupils – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

12. Consent

The rights under Data Protection Law belong to the individual to whom the data relates. However, the school will often rely on parental consent to process personal data relating to pupils (if consent is required) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on the pupil's consent.

Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, the school will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare, unless, in the school's opinion, there is a good reason to do otherwise.

However, 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, the school may be under an obligation to maintain confidentiality unless, in the school's opinion, there is a good reason to do otherwise; for example, where the school believes disclosure will be in the best interests of the pupil or other pupils, or if required by law.

Pupils are required to respect the personal data and privacy of others, and to comply with the school's ITC Acceptable Use policy and the school rules. Staff are under professional duties to do the same covered under the relevant staff policy.

13. Data Accuracy And Security

The school will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the School Office of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data

Protection Law): please see above for details of why the school may need to process your data, of who you may contact if you disagree.

The school will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to school systems. All staff and governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

14. Policy Review

The school will review and revise this Privacy Notice from time to time on the School's website and would recommend that this is checked periodically.

15. Queries And Complaints

Any comments or queries on this policy should be directed to:

The Bursar, Chafyn Grove School, Bourne Avenue, Salisbury. SP2 0EN or by email to: bursar@chafyngrove.co.uk

If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the school complaints procedure and should also notify the Headmaster.

The school can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), www.ico.org.uk, although the ICO recommends that steps are taken to resolve the matter with the school before involving the regulator.

