

## GDPR PUPIL/PARENT PRIVACY NOTICE (applicable to current and applicants)

### INTRODUCTION

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about pupils and parents. We, Gayhurst School Trust (registered office Gayhurst School, Bull Lane, Gerrards Cross, Buckinghamshire, SL9 8RJ, registered Company 2209385 and Charity 298869), are the 'data controller' for the purposes of data protection law.

### **The personal data we hold**

Personal data identifies an individual. Such data that we may collect, use, store and share (when appropriate) about pupils and parents includes, but is not restricted to:

- Contact details, contact preferences, date of birth, identification documents
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs
- Exclusion information
- Details of any medical conditions, including physical and mental health
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs, recordings and CCTV
- Financial information

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

This Privacy Notice applies alongside any other information the school may provide about a particular use of personal data, for example when collecting data via an online or paper form as well as relevant policies such as Safeguarding, Health & Safety, IT policies, Parent Contract and Images Policy.

### RESPONSIBILITY FOR DATA PROTECTION

The School Bursar will deal with all your requests and enquiries concerning the school's uses of your personal data and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law/Regulations. Requests and enquiries should be sent to the Privacy Officer at [compliance@gayhurstschool.co.uk](mailto:compliance@gayhurstschool.co.uk)

## WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

We only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where we have legitimate interests. Less commonly, we may also process pupils' personal data in situations where:

- We have obtained consent to use it in a certain way
- It is necessary for a contract
- We need to protect the individual's vital interests (or someone else's interests)
- We need to comply with a legal obligation

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

**Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data**

In order to provide educational services to your child including promoting the welfare of your child, we require the personal information as outlined below. The school expects that the following uses will fall within that category of its (or its community's) "legitimate interests":

- Information from admissions including details from your child's previous school and other professionals such as local authorities and doctors
- Information about family circumstances to safeguard pupils' welfare and provide appropriate pastoral care
- Any court orders, criminal proceedings or convictions which relate to you, to ensure that we safeguard your child and the school community
- CCTV for security purposes in public areas, in accordance with the school's CCTV Policy;
- Photographs or recordings of you and/or your child at school functions and performances to use on the school website or social media. This is show prospective and other current parents and pupils what we do here and to advertise the school. This may continue after your child has left the School.
- We may send you information such as newsletters to keep up to date with school life and fundraising events.
- We will retain your contact information when your child leaves the school to continue our relationship with you as part of the wider school community and keep you updated with future developments of the school (including direct marketing and fundraising) however we will not pass on your details to the alumni association.
- 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;
- To enable pupils to take part in national or other assessments/competitions, and to publish the results of public examinations or other achievements of pupils of the school;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and

- We may process financial information about you in relation to the payment of fees or Bursary/Hardship applications. In some cases, we get information about you from third parties such as credit reference agencies or from your child's previous school. We may share your information with the assessment company for hardship/bursary applications (currently this is Bursary Administration Limited).
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school and for planning future delivery of school governance.

In addition, the school will on occasion need to process **special category personal data** (concerning health, ethnicity, religion) or criminal records information. These reasons will include:

- To safeguard your child's 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 or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs;
- To provide educational services in the context of any special educational needs of your child;
- To provide spiritual education in the context of any religious beliefs and ensure provision of catering in line with religious dietary requirements;
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- 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.

#### TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL

This may include by way of example:

- names, addresses, date of birth, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- CCTV, recordings and images
- bank details and other financial information, e.g. about parents who pay fees to the school;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- correspondence with and concerning staff, pupils and parents past and present;

- references given or received by the school about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils; and
- 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);

## HOW THE SCHOOL COLLECTS DATA

Generally, the school receives personal data from you or your child directly. This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments). In some cases, personal data will be supplied by third parties (for example another school, or other professionals or authorities working with you and/or your child; or collected from publicly available resources.

## WHO HAS 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, to fulfill its obligations and help run the school, such as:

- ancillary teaching providers such as peripatetic music teachers and specialist coaches;
- providers of educational services such as SFP who provide financial services to parents;
- organisers of external competitions who require basic data for entry;
- providers of supporting educational IT software such as My Maths, Touch Typing;
- professional advisers (e.g. solicitors, insurers and accountants);
- government authorities (e.g. HMRC, DofE, police or the local authority);
- appropriate regulatory bodies; and
- other schools if you have unpaid fees and intend on sending your child there or there is family circumstance information which must be passed on for Safeguarding reasons.

For the most part, personal data collected by the school will remain within the school, and will be processed by appropriate members of staff in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of pastoral or safeguarding files.

However, a certain amount of any pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education required including medical information. The School uses Isams, a secure management information system which aggregates child protection, behavioural issues, bullying, special educational needs and domestic issues. Data is added to secure individual files with restricted access to different levels of staff.

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.

## HOW LONG WE KEEP PERSONAL DATA

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. At this time, we will retain information indefinitely, however this is subject to ongoing review.

If you have any specific queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact [compliance@gayhurstschool.co.uk](mailto:compliance@gayhurstschool.co.uk) However, please bear in mind that the school will often have lawful and necessary reasons to hold on to some personal data even following such request.

## INTERNATIONAL TRANSFER

We may send your information to other countries where we store information on computer servers based overseas. We aim to complete any international transfers outside of the EEA in accordance with data processing law, however they may not have the same standard of protection for personal information as the UK.

## YOUR RIGHTS

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the school, and in some cases ask for it to be erased or amended or have it transferred to others, or for the school to stop processing it - but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to [compliance@gayhurstschool.co.uk](mailto:compliance@gayhurstschool.co.uk)

If you make a subject access request, and if we do hold information about you or your child, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you or your child
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

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 for information is manifestly excessive or similar to previous requests, the school may ask you to reconsider, or require a proportionate fee, but only where Data Protection Law allows it.

- Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals, or information which is subject to legal professional privilege.

The school is not required to disclose any pupil examination scripts, other information consisting solely of pupil test answers, provide examination or other test marks ahead of any ordinary publication.

We will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

- 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. Our presumption is that only pupils aged 13 and above will generally 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 subject access requests will therefore be considered on a case by case basis). A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf. Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's.

- Parental requests.

It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about pupils without their consent. The school may consider there are lawful grounds for sharing with or without reference to that pupil.

You will in general receive educational and pastoral updates about your child, in accordance with the Parent Contract. Where parents are separated, the school will in most cases aim to provide the same information to each person with parental responsibility, but may need to factor in all the circumstances including the express wishes of the child.

All information requests from, on behalf of, or concerning pupils - whether made under subject access or simply as an incidental request - will therefore be considered on a case by case basis.

- Consent

Where the school is relying on consent as a means to process personal data, you may withdraw this consent at any time (subject to similar age considerations as above). Examples where we do rely on consent are: certain types of uses of images and certain types of

fundraising activity. Please be aware however that the school may not be relying on consent but have another lawful reason to process the personal data in question which will usually have been asserted under this Privacy Notice, or may otherwise exist under some form of contract or agreement with the individual (e.g. a parent contract, or because services or membership of an organisation has been requested).

- Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates. However, the school will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils - for example, under the parent contract, or via a form. Parents and pupils should be aware that this is not necessarily the same as the school relying on strict consent (see section on Consent above).

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. That is 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 IT Policy including Acceptable Use Rules.

## 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 [compliance@gayhurstschool.co.uk](mailto:compliance@gayhurstschool.co.uk) 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.

## THIS NOTICE

The school will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

## QUERIES AND COMPLAINTS

Any comments or queries on this notice should be directed to the Privacy Officer [compliance@gayhurstschool.co.uk](mailto:compliance@gayhurstschool.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 [compliance@gayhurstschool.co.uk](mailto:compliance@gayhurstschool.co.uk). You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the school before involving the regulator. ICO 0303 123 1113.

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