

3-17 Pupil Data Protection Policy

General Statement of the School's Duties

The school is required to process relevant personal data regarding prospective, current or past 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.

Data Protection Officer

The school has appointed the Headas 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 Data Protection Act 1998.

In accordance with the Data Protection Act 1998 ('the Act'), the school has notified the Information Commissioner's Office (ICO) of its processing activities. The School's ICO registration number is ZA008681.

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;
- 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

Personal data covers both facts and opinions about an individual. The school may process a wide range of personal data of pupils, their parents or guardians as part of its operations. This personal data may include (but is not limited to); names and addresses, telephone numbers, e-mail addresses, bank details, academic, disciplinary, admissions and attendance records, references, information provided by previous educational establishments, examination scripts and marks, where appropriate, information about individuals' health and contact details for the next of kin, images of pupils engaging in school activities and images captured by the school's CCTV system.

Generally, the school receives personal data from the individual directly (or, in the case of pupils, from parents). However in some cases personal data may be supplied by third parties (for example another school, or other professionals or authorities working with that individual), or collected from publicly available resources.

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, their parents or guardians. 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.

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 information and data relating to racial or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, membership of a trade union, physical or mental health or condition, sexual life, commission or alleged commission of any offence or any related proceedings. Sensitive personal data is entitled to special protection under the Act and will only be processed by the school with the explicit consent of the appropriate individual, or as otherwise permitted by the Act and will generally be required in writing.

Rights of Access ('Subject Access Request')

Individuals have a right of access to information held by the school. Any individual wishing to access their personal data should put their request in writing to the DPO. The school will endeavour to respond to any such written requests as soon as is reasonably practicable and, in any event, within 40 days.

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, this may include information which identifies other individuals, and 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.

The school will grant the pupil direct access to their personal data if in the school's reasonable belief the pupil understands the nature of the request. As a general guide, a child age 12 or older is expected to be mature enough to understand the request they are making. A child may however be mature enough at an earlier age, or may lack sufficient maturity until a later age and all requests will be considered on a case by case basis. Pupils agree that the school may disclose their personal data to their parents or guardian.

Where a pupil raises a concern 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.

Exemptions

There are situations where access to information may be withheld by the school:

a) The Data Protection Act contains a number of exemptions when information may be withheld, these include:

- information which might cause serious harm to the physical or mental health of the pupil or another individual;
- cases where the disclosure would reveal a child is at risk of abuse;
- information contained in adoption and parental order records;
- information given to a court in proceedings under the Magistrates' Courts (Children and Young persons) Rules 1992;
- copies of examination scripts; and
- providing examination marks before they are officially announced.

b) Unstructured personal information.

The school will generally not be required to provide access to information held mutually and in an unstructured way.

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 under the Data Protection Act applies. However the school does intend to disclose such data as is necessary to third parties for the following purposes:

- To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend.
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend.
- Information to the Local Authority and Department of Education (DofE) that we are required by law to pass on.
- 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. The School will also protect the identity of other parties not relevant to the nature of the enquiry, who may be mentioned in any documentation sent to the third party.

Use of Personal Information by the School

The school will, from time to time, make use of personal data relating to pupils, their parents or guardians in the following ways. Should you wish to limit or object to any such use please notify the DPO in writing.

- To confirm the identity of prospective pupils and their parents;
- To provide education services (including SEN) and extra-curricular activities to pupils; monitoring pupils' progress and educational needs; and maintaining relationships with alumni and the school community;
- For the purposes of management planning and forecasting, research and statistical analysis, and to enable the relevant authorities to monitor the school's performance;
- 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 (and where necessary, medical) care, and to take appropriate action in the event of an emergency 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 for medical advice, insurance purposes or to organisers of school trips;
- 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. However the school will not publish photographs of individual pupils with their names without the express agreement of the appropriate individual.;
- For security purposes, and for regulatory and legal purposes (for example child protection and health and safety) and to comply with its legal obligations; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.
- For fundraising, marketing or promotional purposes and to maintain relationships with pupils of the school, including transferring information to any association, society or club set up for the purpose of establishing or maintaining contact with pupils, or for development, fundraising, marketing or promotional purposes.

Keeping in Touch and Supporting the School

- The school will use the contact details of parents, alumni and other members of the school community to keep them updated about the activities of the school, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the school may also:
- Contact parents and/or alumni by post and email in order to promote and raise funds for the school and, where appropriate, other worthy causes;
- Should you wish to limit or object to any such use, or would like further information about them, please contact the DPO in writing.

Accuracy

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

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's complaints procedure and should also notify the DPO.

STAFF: A Culley (Head), I Feaver (DOS), J Agnew (DOP), R Hall (Business Manager), E Winter (Registrar)

AMENDED: February 2017

NEXT REVIEW: February 2018