

Privacy Notice

Authorised by	resolution of the Board of Governors
Date	Spring 2018 - (Version 1-0-0)
Reviewed	

Introduction-

This Privacy Notice details the way in which St Gabriel's ("the School") obtains, uses, holds, transfers and processes Personal Data and Sensitive Personal Data (as defined later in the policy) about individuals.

This notice also describes individuals' rights in relation to their Personal Data processed by the School.

The School is registered as a Data Controller with the Information Commissioner's Office (ICO). Our registration number is Z548555X.

The School will act in accordance with the relevant laws and regulatory guidance, such as the General Data Protection Regulations (2018) and the UK Data Protection Act 2018.

What This Policy Is For

This policy is intended to provide information about how the school will use (or "process") personal data about individuals, including: its workers; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Parents, pupils and workers are all encouraged to read this Privacy Notice (and any supplementary sections that apply) and understand the school's obligations to its entire community.

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.

This Privacy Notice also applies in addition to the school's other relevant terms and conditions and policies, including:

- any contract between the school and the parents of pupils or the school and its workers;
- the school's Data Protection Policy;
- the school's policy on Taking, Storing and Using images of children;
- the school's CCTV policy;
- the school's Retention of Records policy;
- the school's Recruitment, Selection and Disclosure Policy and Procedure;
- the school's Child Protection (Safeguarding) Policy & Safeguarding Guidance and Health and Safety Policy, including as to how concerns or incidents are recorded; and
- the school's IT policies, including its ICT Acceptable Use Policy, Remote Working Policy and Bring Your Own Device 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 Privacy Notice and its supplementary sections, which also provide further information about how personal data about those individuals will be used.

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Responsibility For Data Protection

The School has appointed the Bursar as the person who will deal with requests and enquiries concerning the school's uses of personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law. All queries can be directed to data@stgabriels.co.uk

Types Of Personal Data Processed By The School

This will include by way of example (and see also details given in supplementary privacy notices):

- names, addresses, telephone numbers, email addresses and other contact details;
- past, present and prospective pupils' academic, pastoral, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- correspondence with and concerning staff, pupils and parents past and present;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the school about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- bank details and other financial information, e.g. about parents who pay fees to the school;
- images (still and video) 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 and the CCTV policy);
- car details (about those who use our car parking facilities);
- records about workers, including personnel files which may contain academic, employment or safeguarding information.

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 will be supplied by third parties (for example another school, or other professionals or authorities working with that individual); or collected from publicly available resources.

Why The School Needs To Process Personal Data

In order to carry out its ordinary duties to workers, pupils and parents, the school needs to process a range of personal data about individuals (including current, past and prospective workers, pupils or parents) as part of its daily operation.

Some of this activity the school will need to carry out in order to fulfil its legal rights, duties or obligations - including those under a contract with its workers, or parents of its pupils.

Other uses of personal data will be made in accordance with the school's legitimate interests, or the legitimate interests 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 will fall within that category of its (or its community's) "legitimate interests":

- To provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To enable pupils to take part in national or other assessments (including baseline and screening assessments), and to publish the results of public examinations or other achievements of pupils of the school;
- To monitor (as appropriate) use of the school's IT and communications systems in accordance with the school's "ICT Acceptable Use Policy";

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- 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 the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax, diversity or gender pay gap analysis);
- To enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate;
- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- Maintaining relationships with alumnae and the school community, including direct marketing or fundraising activity.
- 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 and workers;
- For security purposes, including CCTV in accordance with the school's "CCTV Policy";
- To carry out and cooperate with any school or external complaints, disciplinary or investigation process ; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

In addition, the school will, on occasion need to process **special category personal data** (concerning health, ethnicity, religion, biometrics or sexual life) 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 will include:

- 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 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 (including travel companies and staff accompanying 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 a pupil;
- In connection with employment of its workers, for example DBS checks, welfare, union membership or pension plans;
- 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.

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, such as the relevant authorities, organisations or professional advisers such as:

- Government authorities such as HMRC, DfE and the police;
- Local Authorities;
- Appropriate regulatory authorities such as the Independent Schools' Inspectorate, the Charity Commission, the Information Commissioner;
- Joint Council for Qualifications and Examination Boards;
- Providers of services to the school such as caterers, IT providers, pension providers;
- Professional advisers such as lawyers, accountants and insurance providers;
- Other schools and Early Years Education providers.

For the most part, personal data collected by the school will remain within the school, and it 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:

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- medical records held on our information system and accessed by the Matron and appropriate workers under her supervision, or otherwise in accordance with express consent; and
- pastoral or safeguarding files.

However, a certain amount of any relevant information for a pupil with Individual Education Needs will need to be provided to workers more widely in the context of providing the necessary care and education that the pupil requires.

Workers, 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 whether or not they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to 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 Child Protection (Safeguarding) Policy & Safeguarding Guidance.

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 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. Typically, the legal recommendation for ordinary worker personnel files is up to 7 years following departure from the school and pupil files will be kept until the pupil reaches the age of 25. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements.

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 the Bursar (using the email data@stgabriels.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 a request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

For further information please refer to our "Retention of Records" Policy.

Keeping In Touch & Supporting The School

The school will use the contact details of parents, alumnae and other members of the school community to keep them updated about the activities of the school, or alumnae and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the school will also:

- Share personal data about parents and/or alumnae, as appropriate, with organisations set up to help establish and maintain relationships with the school community, such as the Parent Teacher Association (PTA);
- Contact parents and/or alumnae by post and email in order to promote and raise funds for the school.
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Bursar in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the school is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

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Your Rights

Rights of access

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 to 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 the Bursar (data@stgabriels.co.uk).

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 (and parents need to be aware that this may include their own children, in certain limited circumstances - please see below further), or information which is subject to legal privilege (for example legal advice given to or sought by the school, or documents prepared in connection with a legal action).

The school is also not required to disclose any pupil examination scripts or other information consisting solely of pupil test answers, provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the school itself for the purposes of the education, training or employment of any individual.

The right to be forgotten

Sometimes the school will have compelling reasons to refuse the request to amend 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. However, all requests for the right to be forgotten 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 (see section Whose Rights below). A pupil of any age can ask a parent or other representative to make a subject access request on their 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.

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. Slightly younger children, for example, those of Senior School age may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

Parental Requests

The rules on subject access requests are not the sole basis on which information requests from parents are handled. Parents will often have a legitimate interest or expectation in receiving certain

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information about a pupil without that pupil's consent, even though parents may not have a statutory right to that information. The school may consider there are lawful grounds for sharing a pupil's data with or without reference to that pupil.

Parents will in general receive educational and pastoral updates about their children. 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 pupil.

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

Consent

Where the school is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). 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 even without your consent.

That reason 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. an employment or parent contract, or because a purchase of goods, services or membership of an organisation such as an alumnae or parents' association has been requested).

Whose rights

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

Where consent is required, it may in some cases be necessary or appropriate given the nature of the processing in question, and the pupil's age and understanding, to seek 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 relevant circumstances.

In general, for the purposes of ordinary disclosure of pupil's personal information to parents (e.g. keeping parents informed about the pupil's activities, progress and behaviour and in the interests of the pupil's welfare) the school will assume that pupils' consent is not required. 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 an adult worker 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 ICT Acceptable Use and Anti-Bullying policies and the school rules. Workers are under professional duties to do the same as explained in the "ICT Acceptable Use" and other policies referred to in this notice.

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Data Accuracy & 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 should notify the school 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).

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 workers and governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

This Policy

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 & Complaints

Any comments or queries on this policy should be directed to the Bursar using the contact details data@stgabriels.co.uk

If you believe that the school has not complied with this policy or acted otherwise than in accordance with Data Protection Law please contact us on data@stgabriels.co.uk. The school complaints procedure can also be used. 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.

Date	Change History
February 2018	Policy written, including update 26/2/18