



## PRIVACY NOTICE

Being transparent and providing accessible information to individuals about how the School will use their personal data is a key element of the Data Protection Act 1998 (DPA) and the EU General Data Protection Regulation (GDPR). The most common way to provide this information is in a Privacy Notice.

### GLOSSARY OF KEY TERMS

"**Data Controllers**" means organisations, including independent schools, that determine how people's personal data is processed and for what purpose.

"**Data Subjects**" means any living individuals whose data the Data Controller processes.

"**Processing**" means any action in relation to that personal data, including filing and communication.

"**Personal Data**" includes everything from which a Data Subject can be identified. It ranges from simple contact details via personnel or pupil files to safeguarding information, and encompasses opinions, file notes or minutes, a record of anyone's intentions towards that person, and communications (such as emails) with or about them.

Some categories of Personal Data are designated "**Special Category Data**" under the GDPR. These comprise data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; data concerning health or data concerning a natural person's sex life or sexual orientation; and biometric data. Extra safeguards are provided by law for processing of such data.

### CHILDREN AND DATA PROTECTION LAW

Children have their own rights under GDPR although certain rights will usually be exercised by someone with parental responsibility on behalf of children too young to understand the consequences.

The existing rules of thumb about a child's mental competence and maturity to make their own privacy decisions still hold sway under GDPR in the majority of circumstances.

Guidance also suggests that a parental consent for a child will expire automatically at the age where they can consent for themselves. The School works on the basis that this most likely occurs once the pupil has left the School for admission to a secondary school. However, all information requests from, or on behalf of, pupils – whether made under subject access or simply as an incidental request – will be considered on a case by case basis.

### WHO WE ARE

Packwood Haugh School is a co-educational preparatory school for day and boarding pupils aged 4 to 13 years old. The School is registered as a charitable company limited by guarantee (Charity Number 528411 and Company Number 563845).

This Notice covers the activities of the School (including the pre-prep school, Acorns) and the Old Packwoodian Association.

## **WHAT THIS NOTICE IS FOR**

This Notice is intended to provide information about how the School will use (or "process") personal data about individuals including:

- Its staff;
- Its current, past and prospective pupils;
- The parents of the current, past and prospective pupils or their carers or guardians (referred to in this Notice as "parents").

This information is provided in accordance with the rights of individuals under Data Protection Law to understand how their data is used. Staff and parents are all encouraged to read this Privacy Notice 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. It applies in addition to the School's other terms and conditions and policies, including:

- any contract between the School and its staff or the parents of pupils;
- the School's policy on taking, storing and using images of children;
- the School's retention of records policy;
- the School's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- the School's IT policies, including its Acceptable Use policy, eSafety policy and Remote Working 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 Notice.

## **RESPONSIBILITY FOR DATA PROTECTION**

The School has appointed the Bursar as Privacy and Compliance Officer who will deal with all your requests and enquiries concerning the School's uses of your 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.

## **WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA**

In order to carry out its ordinary duties to staff, pupils and parents, the school may process a wide range of personal data about individuals (including current, past and prospective staff, 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 staff, 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 may fall within that category of its (or its community's) "**legitimate interests**":

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To provide education services, including musical education, physical training or spiritual development, 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;
- 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;
- 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; 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 may 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 may 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 where it is in the individual's interests to do so: for example for medical advice, social services, insurance purposes or to organisers of school trips;
- To provide educational services in the context of any special educational needs of a pupil;
- In connection with employment of its staff, for example DBS checks, welfare or pension plans; 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**

The School may process a wide range of personal data about individuals including current, past and prospective pupils and their parents as part of its operation, including by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- 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 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; 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 PERSONAL 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 another school, or other professionals or authorities working with that individual).

## **WHY WE SHARE PERSONAL DATA**

Occasionally, the School will need to share personal information relating to its community with third parties, such as professional advisers (lawyers 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 by appropriate School medical staff and accessed as necessary only by the school doctor 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.

## **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 as set out in the School's Records Management Policy a copy of which can be found on the School's website.

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 who is the School's Privacy and Compliance Officer. However, please bear in mind that the school may have lawful and necessary reasons to hold on to some data.

## **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, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the School may also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the school community, such as the Old Packwoodian Association.
- 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;
- Collect information from publicly available sources about parents' and former pupils' occupation and activities, in order to maximise the school's fundraising potential.
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Privacy and Compliance Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the School may need nonetheless to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

## **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 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 Privacy and Compliance Officer.

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.

## **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 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 the Old Packwoodian 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 often rely on parental consent (see the section above entitled 'Children and Data Protection Law') 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 IT: acceptable use policy and the school rules. Staff are under professional duties to do the same covered under the relevant staff policies.

## **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 notify the Privacy and Compliance Officer (the Bursar) 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, or 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 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 AND COMPLAINTS

Any comments or queries on this policy should be directed to the Privacy and Compliance Officer using the following email address: [Bursar.packwood@gmail.com](mailto:Bursar.packwood@gmail.com)

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 Privacy and Compliance Officer.

## LEGAL AND REGULATORY FRAMEWORK

Various laws underpin this Privacy Notice and are relevant to independent schools:

- [The Data Protection Act 1998 and related statutory instruments \(until 25 May 2018\)](#)
- [The General Data Protection Regulation \(from 25 May 2018\)](#)
- [The Data Protection Act 2018 and related legislation \(from 25 May 2018, form TBC\)](#)
- [The Privacy and Electronic Communications Regulations 2011 \(PECR\) \(to continue after 25 May 2018 until replaced by the ePrivacy Regulation – form and date TBC\)](#)
- [The Protection of Freedoms Act 2012 \(biometrics and CCTV\)](#)

Please note that independent schools are not subject to the specific information provisions (including the parental right to see the pupil record, and Freedom of Information) that will be applicable to maintained schools under separate legislation.

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<b>Signed:</b> <i>Liz Lewis</i> , Chair of Governors