



Scarborough College

DATA PROTECTION POLICY FOR PUPILS, PARENTS AND STAFF (Including Privacy Notice)

This is a whole College policy, including EYFS and the boarding community.

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

The College is registered with the Information Commissioner's Office.

This information is provided in accordance with the rights of individuals under Data Protection Law to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand the College's obligations to its entire community.

This Privacy Notice applies alongside any other information the College 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 College's other relevant terms and conditions and policies, including:

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

Anyone who works for, or acts on behalf of, the College (including staff, volunteers, governors and service providers) should also be aware of and comply with the College's Data Protection Policy for Staff, which also provides further information about how personal data about those individuals will be used.

Responsibility for Data Protection

The College has appointed the Business Manager as Data Protection Officer ('DPO'), who will deal with all requests and enquiries concerning the College's use 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. The DPO can be contacted via e-mail at alison.higgins@scarboroughcollege.co.uk.

Why the College Needs to Process Personal Data

In order to carry out its ordinary duties to staff, pupils and parents, the College may process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of its daily operations.

Some of this activity the College 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 College'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 College 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, career services 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;
- 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 College'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, to share some of these results for comparative analysis with third parties and to publish the results of public examinations or other achievements of pupils of the College;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the College's IT and communications systems in accordance with the College's ICT Acceptable Use Policy;
- To make use of photographic images of pupils in College publications, on the College website and (where appropriate) on the College's social media channels in accordance with the College's policy on taking, storing and using images of children;
- For security purposes, including CCTV in accordance with the College's CCTV policy;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the College's purposes, including to obtain appropriate professional advice and insurance for the College.

In addition, the College may need to process **special category personal data** (concerning health, ethnicity, religion 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;
- To provide spiritual education in the context of any religious beliefs.
- In connection with employment of its staff, for example, DBS checks, welfare or pension plans.
- 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.
- As part of any College 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 College

This will include, 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 College;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel/pupil files, including in connection with academics, employment or safeguarding;
- information about individuals' health, and contact details for their next of kin;
- references given or received by the College about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning staff, pupils and parents past and present; and
- images of pupils and staff (and occasionally other individuals) engaging in College activities, and images captured by the College's CCTV system (in accordance with the College's policy on taking, storing and using images of children) and signing-in system.

How the College Collects Data

Generally, the College 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 e-mail or written assessments).

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

Who Has Access to Personal Data and Who the College Shares it With

Occasionally, the College will need to share personal information relating to its community with third parties, such as professional advisers (e.g. HR consultants, lawyers and accountants) or government authorities (e.g. HMRC, police or the local authority) and appropriate regulatory bodies.

For the most part, personal data collected by the College will remain within the College, 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 of pupils held and accessed only by the College's nurses and appropriate medical staff under their supervision, or otherwise in accordance with express consent; and

- pastoral or safeguarding files.
- special category data of staff, volunteers, contractors and Governors

However, when appropriate 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 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 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 College's Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of the College'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 College's specific directions.

How Long We Keep Personal Data

The College 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 ordinary staff and pupil personnel files is up to 7 years following departure from the College. 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 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 Business Manager. However, please bear in mind that the College may have lawful and necessary reasons to hold on to some data.

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 (a suppression record). Please see the College's Data Retention Policy.

Keeping in Touch and Supporting the College

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

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the College community, such as the Old Scardeburgians' Association and Friends of Scarborough College.
- Contact parents and/or alumni (including via the organisations above) by post and e-mail in order to promote and raise funds for the College 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 Business Manager in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the College may need nonetheless to retain some of your details (not least to ensure that no more communications are sent to that particular address, e-mail or telephone number.

Your Rights

■ Rights of Access, etc.

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the College, and in some cases ask for it to be erased or amended or for the College 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 Business Manager.

The College 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 College 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.

■ 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 this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege, for example, legal advice given to or sought by the College, or documents prepared in connection with a legal claim. The College is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers or other test marks ahead of any ordinary publication), nor any confidential reference given by the College for the purposes of the education, training or employment of any individual.

You may have heard of the ‘right to be forgotten’. However, 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 College, they have sufficient maturity to understand the request they are making (see section *Whose Rights* below). 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 expected 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. Pupils aged 13 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. Children younger than 13 may be sufficiently mature to have a say in this decision. All subject access requests from pupils will therefore be considered on a case by case basis.

■ Parental Requests, etc

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.

Parents will in general receive educational and pastoral updates about their children. 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 College 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 College 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 policy 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 has been requested.

■ Whose Rights?

The rights under Data Protection Law belong to the individual to whom the data relates. However, the College 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 College relying on strict consent (see 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 the circumstances. 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 College 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 College'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 College may be under an obligation to maintain confidentiality unless, in the College's opinion, there is a good reason to do otherwise; for example, where the College 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 College's ICT Acceptable Use Policy and the College's rules. Staff are under professional duties to do the same covered under the relevant staff policy.

Data Accuracy and Security

The College 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 Business Manager of any changes to information held about them.

An individual has the right to request that any inaccurate or out of date information about them is erased or corrected (subject to certain exemptions and limitations under Act); please see above details of why the College may need to process your data, and who you may contact if you disagree.

The College 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.

Processing of Financial Credit Card Data

The College complies with the requirements of the PCI Data Security Standard (PCI DSS). Staff who are required to process credit card data must ensure that they are aware of and comply with the most up to date PCI DSS requirements. Other categories of financial information, including bank details and salary or information commonly used in identity theft (such as national insurance numbers or passport details) may not be treated as legally sensitive but can have a material impact on individuals and should be handled accordingly.

This Policy

The College will update this policy from time to time. Any substantial changes that affect your rights will be provided to you directly, as far as is reasonably practical.

Queries and Complaints

Any comments or queries on this policy should be directed to Alison Higgins, Business Manager, at alison.higgins@scarboroughcollege.co.uk.

If an individual believes that the College has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the College's Complaints procedure. 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 College before involving the regulator.

Policy Prepared by:

Alison Higgins
Business Manager

| Person Responsible for Updates | Date Last Reviewed | Next Review Due |
|--------------------------------|--------------------|-----------------|
| Alison Higgins | March 2021 | March 2022 |