

**Charitable Objects of St. Catherine's School** - The Objects for which the Company is established are to promote and provide for the advancement of education by providing, conducting, governing, carrying on and maintaining in the United Kingdom, or elsewhere, a boarding or day school or schools for girls in which the teaching shall be in accordance with the principles of the Church of England.

**St Catherine's School, Bramley**

## **WHOLE SCHOOL CONFIDENTIALITY AND PRIVACY POLICY**



**Whole School refers to all students in the St Catherine's Preparatory and Senior Schools which includes: the Early Years Foundation Stage (EYFS), Pre-Prep. School (Key Stage 1), Prep. School (Key Stage 2); Middle School (Key Stage 3); Senior School (Key Stage 4) and the Sixth Form (Key Stage 5).**

This policy was revised in December 2019 by Farrer & Co, the School's legal advisors, in line with the School's Policy Review Schedule which ensures that all policies are kept up to date.

This policy is an amalgamation of the previous Confidentiality Policy (1999) and Pupil Data Protection Policy (2004 with subsequent updates) and now incorporates guidance for staff and information for parents. It satisfies the requirements of the General Data Protection Regulation (GDPR), May 2018.

### **1. General Statement of the School's Duties**

As part of its general operation, the School needs to process relevant personal data regarding staff, pupils and parents (a word used in this Policy to mean those with legal parental responsibility for pupils). Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data, and the School shall take all reasonable steps to do so in accordance with this Policy. In this Policy any reference to pupils, parents or staff includes current, prospective and past pupils, parents and staff.

### **2. Confidentiality of Sensitive Personal Information**

Although we hope that pupils will feel that they can seek help, advice and guidance from members of staff, in the interests of safeguarding, staff are told not to promise confidentiality to pupils or parents and are reminded of the importance of this in Child Protection Training.

In certain circumstances, information must be passed on. If, in the judgment of staff, a pupil's health or safety is at risk in any way, then that staff member must pass on his or her concerns to an appropriate person in authority. According to circumstances, this may be the Headmistress and/or Deputy Head; the on-duty nursing Sister; or, for all safeguarding matters, to one of the Designated Safeguarding Leads (DSL). In turn, it may be necessary to refer onwards to relevant authorities.

Likewise, Sixth Formers should always be advised by the Head of Sixth Form in their Sixth Form induction training of the limits to the confidentiality which they should offer to younger pupils. They must recognise that they will usually need to hand on information which is given to them. All school officers are trained in this during their prefect induction training and House Captains and Senior Boarders are given further specific training when they take up their posts.

The Sixth Formers have access to a Counsellor. Younger pupils also have access to a Counsellor but only by special arrangement and with the agreement of their parents.

### **3. Data Protection Compliance Responsibility**

The School has appointed a Database Management Committee (DMC) to have oversight of Data Protection matters under the Headmistresses. The DMC will endeavour to ensure that all personal

data held by the School is processed in compliance with this Policy and the Principles of the Data Protection Act 2018 (“the Act”) and GDPR. Members of the DMC have expertise in areas of School where data security is particularly important: HR, IT systems, Financial Management, Data System Management, Staff and Student Management and Welfare, Student Academic Data Management, Alumnae Relations and Fundraising, and includes a Designated Safeguarding Lead.

#### **4. The Principles**

The School shall so far as is reasonably practicable comply with data protection principles 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;
- Kept secure; and
- Not transferred to other countries without adequate protection.

#### **5. Personal Data**

Personal data covers both facts about an individual, including biographical or contact information, opinion and professional judgements based on academic progress e.g. school reports, and records of the School’s (or others’) intentions towards an individual. The School may process a wide range of personal data of staff, pupils, and parents as part of its operation. This personal data may include (but is not limited to); names and addresses, contact details, bank details, employment details, donation history, academic, disciplinary, admissions and attendance records, references, examination scripts and pupils’ marks, CCTV footage and information held in electronic communications.

#### **6. Sensitive and Special Category Data**

The School may, from time to time, be required to process more sensitive personal data regarding staff, pupils or parents. Sensitive personal data includes special category data within the meaning of GDPR (medical information and data relating to religion, race etc.) and criminal records or proceedings. Where sensitive personal data is processed by the School, the explicit consent of the appropriate individual will generally be required in writing, unless another lawful condition applies (for example, if requested by a legal authority, or if required to protect the vital interests of an individual).

#### **7. Processing of Personal Data**

Consent may in some cases be required for the processing of personal data. However, if the processing is necessary for the School in the ordinary and legitimate course of its running (for example, to undertake its obligations to staff, pupils and parents), this will usually be undertaken without consent: either because it is necessary to fulfil a contract with the person or is otherwise within the School’s legitimate interests. Any information which falls under the definition of sensitive personal data, and is not otherwise exempt, will be treated with appropriate confidentiality. It will only be disclosed to third parties with the consent of the appropriate individual except where otherwise lawfully permitted under the terms of this Policy or as necessary by law. Consent will not

be sought for processing by third parties of data for School communications such as the Annual Magazine and St. Catherine's Foundation Office communications. Such data will be encrypted prior to transfer.

## **8. Rights of Access, etc.**

Individuals have a right of access to information held by the School. Any individual wishing to access his/her personal data should put this request in writing to the Database Management Committee. The School will respond in the required timeframe to access requests.

You should be aware that certain data is exempt from the right of access under the Act. This may include information which identifies other individuals, information which the School reasonably believes is likely to cause damage or distress, or information which is subject to legal professional privilege. Special exemptions also exist around confidential references and pupil examination scripts.

Individuals have various other rights under GDPR to 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 again subject to certain exemptions and limitations.

## **9. Whose rights**

The rights under GDPR are the individual's to whom the data relates. The School will however in most cases rely on parental agreement to process data relating to pupils unless it is unreasonable, given the nature of the processing in question and the pupil's age and understanding, to do so. Parents should be aware that in such situations they may not be consulted.

The School makes it clear to pupils that they should expect the School to share information about them with parents. However, from the Middle School level and above, it will usually be for the pupil to authorise a specific subject access request made by a parent on their behalf. The School will consider other individual requests for information relating to a pupil made by a parent (and may have lawful grounds to provide it), but the School is legally obliged to consider the child's data protection rights in doing so, in particular if the information is sensitive personal data.

Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds her agreement to her personal data being disclosed to her parent(s), 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, or if it is under a legal obligation to disclose.

The School will only grant the pupil direct access to her own personal data if, in the School's reasonable belief, the pupil understands the nature of the request she has made, and the disclosure is made with due care for any harm or distress it may cause them.

## **10. Exemptions**

The School will promptly process data in accordance with legal requirements, often without reference to the individuals concerned, including the following:

- For the prevention or detection of crime;
- In certain scenarios when engaging with local authorities;
- For the assessment of any tax or duty;

- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School, or subject to a request from a competent statutory authority.

The above are examples only of some of the exemptions - any further information on exemptions should be sought by emailing [GDPR@stcatherines.info](mailto:GDPR@stcatherines.info).

## **11. 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 his/her consent or one of the specific grounds or exemptions under GDPR or the 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 enter pupils for public examinations and 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.
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend.
- To give information to any organisation/third party providing an educational tour/trip.
- To give information to service providers who have been approved by the School.

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.

## **12. Other uses 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 in accordance with its legitimate interests. Should you wish to limit or object to any such use please notify the Database Management Committee in writing by emailing [GDPR@stcatherines.info](mailto:GDPR@stcatherines.info) and the request will be duly considered in accordance with your rights.

The School will use staff, pupil or parent data:

- To make use of photographic images of pupils in School publications and on the School website. The School separately seeks the express permission from parents for the use of their child's picture on the School's website or in other publications when she joins the school but will consult with those involved before using their name in connection with any images intended for external publication.
- For the St Catherine's Association, the Parent/Teacher Association, fundraising, marketing, events or promotional purposes, and to maintain relationships with former pupils of the School.

## **13. Accuracy and completeness**

The School will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the School of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected, although the School may reasonably determine whether or not the information is in fact accurate.

**14. Security**

The School will take appropriate steps to ensure that members of staff will only have access to personal data relating to staff, pupils and parents where it is necessary for them to do so for their role, and where they are suitably trained and competent. The School Information Management System (SIMS) is set up in such a way that unauthorised staff can only view their own personal details and that suitably trained and authorised staff will have access to pupil and parent data on a need-to-know basis only.

**15. Enforcement**

All staff will be made aware of this policy and their duties under GDPR and the Act. If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with data protection law, they have the right to refer the matter to the Information Commissioner’s Office ([www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 5457453). However, the School and the ICO recommend that they should first use the School complaints procedure and/or notify the Database Management Committee by emailing [GDPR@stcatherines.info](mailto:GDPR@stcatherines.info)

Signature of Preparatory School Headmistress: .....

Signature of Senior School Headmistress: .....

.....

Date: .....