



MALVERN ST JAMES
Girls' School

Malvern St James School Privacy Notice

General

Malvern St James (MSJ)¹ (hereafter referred to as 'The School') is a leading independent boarding and day school for girls aged 4 to 18. The School is registered as a charitable company limited with a trading subsidiary Malvern St James Enterprises Limited (MSJ Enterprises). In data management terms, the School is the 'Data Controller'² for both companies for the purposes of the relevant legislation.

The School is governed by its Memorandum and Articles of Association with the principal object of the School being the advancement of education for the benefit of the public by:

- the provision and conduct of a girls school to be known as "Malvern St James" established as an organisation with a Christian ethos to further the education of its pupils, such education to include social and physical training subject to any provision which may be made to meet the needs of pupils of different denominations or faiths:

and

- such incidental or ancillary educational activities or other associated activities for the benefit of the community in Malvern and the wider community beyond as the Governors shall in their discretion determine from time to time.

The legal grounds for processing such information is based upon our legitimate interest to fulfil our contractual obligations in delivering education and pastoral care, legislate requirements as an employer and educational establishment, stay in touch with the MSJ community and in support of MSJ Enterprises' trading operations. This Privacy Notice is therefore applicable to Governors, staff, volunteers, visitors, parents/guardians, pupils and former pupils of, and service providers to Malvern St James School and the members of the MSJ Sports Centre, (operated by MSJ Enterprises).

¹ Malvern St James is registered with the Charity Commission under Charity No. 527513 as a charitable company limited by guarantee and was set up by a Memorandum of Association and constituted as a company 'Malvern St James Ltd' ("the School") registered in England No 00232081. It has a trading subsidiary Malvern St James Enterprises Limited (MSJ Enterprises). Malvern St James Enterprises Limited is constituted as a company registered in England No 05851583

² Contact details: Malvern St James School, 15 Avenue Road, Great Malvern, WR14 3BA; 01684 892298 or infocompliance@malvernstjames.co.uk

WHAT THIS PRIVACY NOTICE IS FOR

Upon expressing an interest in Malvern St James and deciding to send your daughter/attend the School, or joining the Old Girls' Association or MSJ Community, or on becoming a member of the MSJ Sports Centre or renting School facilities, we will amass a certain amount of your personal data. This policy is therefore intended to provide information about how the School will use (or "process") the personal data of the School community³.

This information is provided because Data Protection Law gives individuals rights, including the right to understand how their data is used. The School community is 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.

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 its staff or the parents of pupils;
- 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 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, E-Safety policy, and Remote Working policy.

Anyone who works for, or acts on behalf of, the School (including staff, volunteers, governors and service providers) will be made aware of this Privacy Notice which provides information about how their personal data will be used.

RESPONSIBILITY FOR DATA PROTECTION

The School has appointed the Director of Operations & Compliance as the School's Information Compliance Officer. The Information Compliance Officer will deal with all 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 the School community, the School needs to process a wide range of personal data about individuals. Some of this activity is based upon the need to fulfil its legal rights, duties or obligations – including those under a contract with its staff,

³ The School Community consists of staff (past and present) (full time and otherwise); current, past and prospective pupils and their parents, carers or guardians (referred to in this policy as "parents") and those engaged with MSJ Enterprises (staff and customers.)

or parents of its pupils. The majority of the School's usage will be made in accordance within the category of "**legitimate interests**" and include:

- 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 alumnae 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 and relevant interests;
- 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;
- 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 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;
- To carry out or cooperate with any school or official 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 as part of an official process, for insurance purposes or to caterers or organisers of school 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;
- To provide spiritual education in the context of any religious beliefs;
- In connection with employment of its staff (including volunteers), for example DBS checks, welfare, union membership or pension plans;
- To run any of its systems that operate on biometric data, such as for security and other forms of pupil identification (lockers, lunch etc.);
- As part of any school or official external complaints, disciplinary or investigation process that involves such data, for example if there are Special Educational Needs (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 SCHOOL

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 school;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academics, employment or safeguarding;
- 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 relevant 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 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);
- OGA/Past Parents & Families, Former Staff and others in the MSJ Community – further education, career, interests, attendance at events, family and friend relationships, media articles, donations.

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 may be supplied by third parties (for example another school, or other professionals or authorities working with that individual) or from publicly available sources or information held in our archives;

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 but not limited to:

- professional advisers (e.g. bankers, lawyers, insurers, pension providers (Mark Taylor Partnership), PR advisers, agents for international students and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority);
- appropriate regulatory bodies, e.g. Examinations boards and bodies for academic, arts and extramural activities, the Independent Schools Inspectorate, or the Information Commissioner;
- The External Relations and Development Office, including the Old Girls' Association Office;
- the MSJ Community;
- the MSJ Old Girls' Association;
- service providers contracted to carry out activities on behalf of the MSJ Community, for example mailing houses and alumni networking platform providers

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 and accessed only by the school doctor and appropriate medical staff under his/her supervision, 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 2018*) 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 School's Safeguarding Policy.

The School uses monitoring software for internet access harnessing Barracuda and Impero applications; as a consequence these providers will have access to a limited amount of personal data of pupils.

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, mailing houses for the distribution of magazines or cloud storage providers. This is always subject to contractual guarantee 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 how long to keep ordinary staff and pupil personnel files is up to 7 years following departure from the School. 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 Director of Operations & Compliance [infocompliance@malvernstjames.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 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").

KEEPING IN TOUCH AND 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, former staff and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual later wishes to modify their consent 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 Old Girls' Association of MSJ and the former constituent schools that now form MSJ.
- Contact parents, alumnae, former and current staff, past parents and families, governors and former governors (including via the organisations above) and others in

the MSJ Community 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 Director of Operations & Compliance (infocompliance@malvernstjames.co.uk) in writing. You always have the right to withdraw consent, where given, or otherwise modify your consent to specific actions. 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).

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 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 Director of Operations & Compliance (Separation or capture of trip members infocompliance@malvernstjames.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 information⁴).

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, by way of examples, 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 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. Where disclosure of information relating to safeguarding (e.g. referrals

⁴ This may be extended by a further two months for complex cases.

made to local authorities) might prejudice our safeguarding responsibilities, we are also not required to disclose it.

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 school, 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 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: for older pupils, the parent making the request may need to evidence their child's authority for the specific request.

Pupils at Malvern St James 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. Others may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

- **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, in accordance with the Parent Contract. 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 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). Examples where we do rely on consent are: certain types of uses of images, or certain types of fundraising activity. 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 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 School 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 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. 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 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/School policy.

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 please notify the Director of

Admissions (for pupils and parents) or HR Manager (for staff) 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 review and update this Privacy Notice annually. 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 Director of Operations & Compliance.

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 Headmistress/Chair of Council whose contact details are available at <http://www.malvernstjames.co.uk/contact>. 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.

LEGAL AND REGULATORY FRAMEWORK

Various laws underpin this Privacy Notice namely:

- The Data Protection Act 2018 and related statutory instruments
- The General Data Protection Regulation
- 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.

Relevant guidance and practice notes provided by the Information Commissioner's Office [\[A1\]](#) ("ICO") include:

- [The ICO's GDPR Frequently Asked Questions on Education](#)
- [Direct Marketing Guidance \(PECR\)](#) (last updated April 2016 but still applicable after GDPR)
- [The Subject Access Code of Practice](#) (last updated June 2017)
- [The ICO Code of Practice on CCTV](#) (last updated June 2017)
- [The ICO's Guide to Data Protection](#)
- [Overview of the General Data Protection Regulation](#) (short-form overview)

Authorised by	Resolution of the School Council
Signature	
Date	21 January 2020

Effective date of the Policy	21 January 2020
Review date	August 2020
Circulation	Members of School Council / teaching staff / all staff / parents / pupils [on request]