

The International School of Luxembourg a.s.b.l.

Privacy Notice (updated June 2021)

Introduction

The purpose of this notice is to explain the necessity for the International School of Luxembourg a.s.b.l. (also referred to as “ISL” or the “School”) to collect, process and store the personal data of parents, students, staff, substitutes, service providers, volunteers, candidates and interns, and to inform them of their rights concerning their personal data as now required by the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (the “General Data Protection Regulation” or “**GDPR**”) as well as the Luxembourg data protection law of 1st August 2018 organizing the National Commission for data protection and the general system on data protection and any other data protection law applicable to the Grand-Duchy of Luxembourg.

The primary reason that ISL uses personal data is to enable the School to provide educational and support services to enrolled students. This notice explains how ISL uses personal information, who this information might be shared with and the ways in which the School protects and accounts for the protections to privacy. It also explains decisions that parents, students, staff, substitutes, service providers, volunteers, candidates and interns can make about their personal data held by ISL.

What is personal data

‘Personal data’ means any information relating to an identified or identifiable living natural person. The personal data ISL collects, process and store includes, but are not limited to:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- date of birth;
- languages;
- gender;
- marital status and information on children;
- academic, disciplinary and other education-related records, information about special educational needs, references, assessment data and records and marks;
- education and employment data;
- images, audio and video recordings;
- financial information;
- nationality and passport details;
- schools previously attended (where appropriate).

The school also collects and processes the so-called data of special category (Art. 9 & 10 GDPR), namely:

- data concerning health;
- data related to criminal convictions or offenses (Child protection);
- biometric data for the purpose of uniquely identifying a natural person;

This notice applies to all Personal Data collected for or on behalf of the School whether in analogue form (documents and forms in writing) or in digital form (such as information systems, databases and emails).

This could also mean recording and processing special categories of personal data such as medical data or criminal convictions and offenses. CCTV photos and video recordings are also personal data (all together, the “Personal Data”).

The legal basis for processing Personal Data

Personal Data will be collected, processed and stored for the purpose of the enrolment and education of students, the employment of staff or the execution of contracts and agreements with the School.

This is in accordance with the lawful basis provided under Article 6(1)b of the GDPR, namely that such processing is necessary for the *performance of the contracts or agreements* to which parents, guardians, staff, substitutes, service providers, volunteers, candidates and interns are party with ISL, or in order to take steps upon their explicit request prior to entering into such a contract or agreement with them.

In the processing of special categories of data, e.g. health data, and data related to criminal convictions and offenses, ISL must require the provision of explicit consent in accordance with Article 9(2) and 10 of the GDPR.

There are further lawful bases for collecting and processing Personal Data. These include that the School has *legitimate interests* in providing children with an education, safeguarding and promoting welfare and facilitating the efficient operation of the School, without any adversarial effect on children, and protecting *vital interests* to prevent injury or harm. It may also process personal data to meet a *legal obligation* or if it is acting in the *public interest*.

How Personal Data is used

The School collects Personal Data and, in certain cases, special categories of Personal Data of parents, students, staff, substitutes, service providers, volunteers and interns to provide a safe and caring international environment for teaching, learning and general educational purposes. ISL uses the information provided for purposes that are necessary and required in order to undertake the performance of the contract or agreement into which data subjects have entered and, in some cases, as ISL is required to do by law.

All the Personal Data is processed by or on behalf of ISL who is the data controller. ISL is committed to keeping personal information accurate, up-to-date, safe and secure.

ISL may use the Personal Data provided in many ways including the following:

- to undertake and manage the School admissions and enrolment
- to provide a safe learning environment
- to comply with child protection requirements
- to support and enable the academic, pastoral and personal objectives of children, including the monitoring and reporting of progress
- to provide support and care for emotional and psychological wellbeing (pastoral and counselling)
- to protect the health of the parents, students, staff, substitutes, service providers, volunteers and interns. ISL may also use Personal Data provided to the School by health professionals in order to safeguard parents, students, staff, substitutes, service providers, volunteers and interns.
- to provide a tailored learning environment and make evidence-based educational decisions for the children ISL serves
- to enable students to continue or progress their education at other educational organisations
- to support and develop staff in the performance of their duties
- for financial reasons to help in future planning and resource investment purposes
- to meet statutory reporting requirements to the education and other authorities
- to help investigate any concerns or complaints which parents, students, staff, substitutes, service providers, volunteers and interns may have
- to communicate with parents, students, staff, substitutes, service providers, volunteers and interns.

In the course of its processing, the Personal Data may be disclosed to third parties in order to protect students' vital interests (e.g. where students and/or staff are away on trips or sporting activities). Such third parties may be located both within and outside the EU. Third parties who are located in the EU will only have access to Personal Data where the law allows them to do so. Where Personal Data is disclosed

to third parties located in countries outside the EU which do not ensure an adequate level of protection for Personal Data, the disclosure of such Personal Data will rely on the protection of the vital interests of students, parents, staff, substitutes, service providers, volunteers, candidates and interns or explicit consent as set out in Article 49(1)(f) and Article 49(1)(a) GDPR respectively.

For the purposes of IT hosting and maintenance, data is located on servers within the School and where hosted external to the School the relevant protections are in place to evidence compliance with Article 32 of the GDPR - Security of Processing. Personal Data will not be retained for longer than required for the purposes of its processing and reasonable subsequent data retention, subject to any limitation periods provided by the law.

Why Personal Data is collected and used

ISL collects and uses Personal Data to carry out the education services as described above. ISL does so under the lawful basis that the processing is necessary for the performance of a contract or agreement. In some circumstances ISL may have to process Personal Data for other purposes that are not necessary for the performance of the contract. Where this is the case ISL will either have a legitimate interest to do so, need to do so as there is a legal requirement, or that it is in the vital interests of the individual for the School to process or share the Personal Data. From time to time the School may ask for explicit consent to process or transfer data for reasons that sit outside those detailed herein.

Special categories of data

The education services ISL provides require the School to collect and process special categories of data for the purposes of safeguarding, the protection of vulnerable children, and wellbeing of those within its care. ISL does not disclose or share special categories of data without explicit and unambiguous consent unless required to do so by law, or it is in the vital interests of an individual, or where not doing so would place someone else at risk.

Some categories of data such as ethnicity, age and gender may be used from time to time in forecasting and planning for educational service provision. If used in this way, Personal Data will be anonymised.

Participating in the ISL community

ISL is keen to ensure all individuals associated with the School can participate in the life of the community. To do so ISL will use the Personal Data provided to make parents, students, staff, substitutes, service providers, volunteers and interns aware of services, information, news, events and activities that are undertaken at or in association with the School and do so under the lawful basis of legitimate interests. ISL will invite parents, staff, substitutes, service providers, volunteers and interns to sign up for information or to agree to make contact details available to other parties for the purposes of arranging activities outside the School hours (eg: play dates, shared rides, study groups, community celebrations, lift sharing, etc) and to process Personal Data for the purposes of fundraising; in such circumstances ISL will request explicit consent.

Direct communication

Where ISL contacts parents, students, staff, substitutes, service providers, volunteers and interns the School may keep a record of emails, letters and other types of correspondence. Where the School needs to communicate sensitive or confidential information to parents, students, staff, substitutes, service providers, volunteers and interns, ISL may use additional and proportionate security measures to do so.

Supervision and Monitoring

In accordance with the law of 1 August 2018 on the protection of persons with regard to the processing of personal data, ISL, as data controller, monitors the use of information technology resources to help ensure network security. The school reserves the right to examine, use and disclose any data found on the School's networks in order to assure the health, safety, or security of any Community Member or other

person, or to protect property. They may also use this information in disciplinary actions and will furnish evidence of crime to law enforcement officials.

CCTV

ISL collects information in the form of CCTV to ensure the safety and security of parents, students, staff, substitutes, service providers, volunteers and interns. CCTV is only used in accordance with the requirements of the GDPR and the data protection **law of 1 August 2018 applicable to the Grand-Duchy of Luxembourg**. Parents, staff, substitutes, service providers, volunteers and interns have the right to access their own images; parents also have the right to access images of their children. Access to these images can be requested through the Data Protection Officer by emailing DPO@islux.lu or by regular mail to International School of Luxembourg, 36 boulevard Pierre Dupong, L-1430 Luxembourg.

Sharing data

The information collected is shared within the School for the purposes of delivering the services required. It may also be shared with other organisations such as other schools (for the purposes of trips, sports and activities), government organisations, police, health and social care. Sharing Personal Data will take place where ISL is required to do so by law, or where the School has explicit consent to do so or to protect the vital interests of the individual.

Personal Data may be shared with or processed by a sub processor in the undertaking of a service or contract in the delivery of the education services provided by ISL.

The categories of personal information that are collected, held and shared include:

- personal information (such as name, unique number and address)
- special categories of data (such as medical data, race, gender)
- other relevant categories for the performance of ISL's services (such as assessment, student special educational needs, behavioral information and psychological reports and assessments)
- attendance information (such as sessions attended, number of absences and absence reasons)
- logging and audit in the use of IT systems and education technology apps, applications and cloud based systems

Examples of who ISL may share data with:

- schools, colleges or universities that the students attend after leaving ISL
- local education authorities in Luxembourg
- family nurses, doctors or social service organisations where sharing is in the vital interests of the individual, or where not sharing could have a negative impact on the individual
- providers of information systems that are necessary for the School to deliver the admissions, administration, teaching and learning, pastoral development, and child protection services

The School will only share Personal Data if there is a lawful basis to do so.

Transfers Outside the EU/EEA

Personal Data may be transferred to organisations outside the EU/EEA for the purposes of student applications for college or university. Various teaching and learning applications are also used that are based outside the EU/EEA. As stated above, the School ensures that organisations outside the EU/EEA who receive or process Personal Data are compliant with EU data protection regulations, or that a lawful basis for transferring data, such as the explicit consent, is met. Where Personal Data are transferred to a third party provider that is not located in the EU/EEA, and is not subject to an adequacy decision by the EU Commission, ISL will require those third party providers to enter into an agreement that provides appropriate European Commission safeguards and/or the data subject's consent in certain circumstances.

Publication of photos and videos by the School

ISL strives to use modern technology and age-appropriate learning tools in teaching and learning. For this purpose, images, photographs and videos are used and processed for educational needs regularly in the School's classrooms, on password protected school portals (Schoology, Seesaw, myISL, iSAMS), and beyond.

Also, photos and videos are important media that significantly enhance communication about the School's programmes and activities to the ISL community, prospective families, alumni, and the general public. For this reason, the School uses such media on its website, in its print publications, press releases, and articles for external publications only with consent of the data subjects. As members of the ISL community, parents, students, staff, substitutes, service providers, volunteers and interns may be filmed or photographed. These images may be used for both educational and promotional purposes. The School is conscious and respectful of the privacy of all ISL community members and therefore the publication of these images takes place under the following conditions:

Public

Publications destined for the general public, including the ISL public website, School publications, press releases and articles: individuals will not be identified by name in photos or video clips without prior agreement. Students who take part in School productions such as plays, concerts or other events that are open to the general public and which are publicized outside the School may be identified by name in photos or video clips that are published by the School.

ISL Community

Publications destined for the ISL community, including the password protected myISL portals, School Yearbook and School newsletters: students, parents, staff, substitutes, service providers, volunteers and interns may be identified by name in images found in publications such as the ISL Yearbook, School newsletters or other in-house documents. On the password protected portals, individuals may be identifiable by name. Images and video clips that appear on these pages may identify students, parents, staff, substitutes, service providers, volunteers and interns either directly or indirectly depending on their context. These pages are password protected and only available to members of the ISL community.

Teaching and learning purposes

Recording of photos, voice and videos in class is permitted for teaching and learning purposes as long as the data:

- is recorded using an ISL device
- is stored within ISL's ecosystems
- is not kept longer than necessary
- is not shared with third parties.

Recording of photos, voice and video for other purposes requires the consent of the Principal, as parental permission must be sought.

Posting to public platforms, such as ISL website and ISL Social Media platforms is processed by the ISL Communications Team.

Please contact the Communications Office for specific concerns about photos and videos being published: Communications_Team@islux.lu

Collecting data and Consent

Whilst the majority of data provided to ISL is required for the performance of a contract, agreement or by law, some of it is provided on a voluntary basis. In order to comply with the GDPR, ISL will inform parents, staff, substitutes, service providers, volunteers and interns when consent is required to process the data.

Where consent is provided parents, staff, substitutes, service providers, volunteers and interns are free to withdraw consent at any time. There may be instances where parents, staff, substitutes, service providers, volunteers and interns may not want ISL to process or share Personal Data. In these cases, ISL may not be able to fulfil the contracted or agreed service, or only do so in a limited way, or be able to comply with a statutory obligation. In those instances, ISL may not be able to comply with such a request. Parents, staff, substitutes, service providers, volunteers and interns can contact the School's Data Protection Officer by emailing DPO@islux.lu or by regular mail to International School of Luxembourg, 36 boulevard Pierre Dupong, L-1430 Luxembourg if they wish to withdraw consent.

Storing Personal Data

ISL will retain Personal Data for as long as required by law or best educational practice. ISL retains Personal Data after parents, students, staff, substitutes, service providers, volunteers and interns have left ISL in order to provide traceability. It is widely accepted that a School should hold data on the achievements and experiences of a child for their benefit in later life should they need to access that information. Subject to appropriate safeguards, ISL may keep some information during a longer period if needed for archiving purposes or statistical purposes.

More information on data retention periods is provided in ISL's Data Retention Regulations.

Security

The School stores the Personal Data in controlled-access, centralized databases, secure paper and electronic files in the EEA. The access is limited to authorized users subject to a confidentiality duty, on a need to know basis. For the time that ISL stores and uses Personal Data, the School will ensure the appropriate security of this Personal Data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Automated Decision Making/Profiling

The School's IT systems profile the use, access and content of all users. The profiling enables identification of safeguarding and child protection risks or concerns, on the basis of explicit consent. Some education apps profile the behaviour, use and outcomes of children. The School has an internal process to assess the impact of this on students. In evaluating the use of these apps the School will consider the benefit gained from using it for the student to learn, develop and explore, against the negatives identified from profiling.

Cookies

ISL uses cookies on its website and portals to ensure the best experience on its electronic media. Parents, students, staff, substitutes, service providers, volunteers and interns can prevent cookies being stored on their computers or other devices but should be aware that this may downgrade or render inoperable certain elements of the functionality. It is recommended that all cookies are left on in case they are used to provide a service which might otherwise not be accessible. Third party analytics are used to track and measure usage of ISL sites so that the School can continue to produce engaging content. These cookies may track things such as time spent on the sites or pages visited which helps the School to understand how it can improve the experience for users.

Rights over Personal Data

Under Article 15 of the GDPR data protection legislation, parents, staff, substitutes, service providers, volunteers, interns, and in certain cases, students have the right to request access to Personal Data held about them. To make such a request, email the Data Protection Officer by emailing DPO@islux.lu or by regular mail to International School of Luxembourg, 36 boulevard Pierre Dupong, L-1430 Luxembourg.

Parents, staff, substitutes, service providers, volunteers interns, and in certain cases, students, also have certain additional rights:

- to be informed of how ISL processes Personal Data;
- to have Personal Data corrected if it is inaccurate or incomplete;
- to have Personal Data erased (the “right to be forgotten”) in certain circumstances – e.g. where it is no longer needed by ISL for the purpose for which it was collected or where explicit consent has been withdrawn;
- to restrict the use of Personal Data in certain circumstances e.g. where ISL has been informed that the data is inaccurate and the School is in the process of checking this. In such circumstances ISL will continue to store Personal Data but will not process it further until it is checked and confirmed whether the Personal Data is inaccurate;
- to object to the processing of Personal Data in certain circumstances - e.g. for direct marketing purposes;
- to object to decisions being taken by automated means;
- to object to processing of Personal Data that is likely to cause, or is causing, damage or distress;
- in certain circumstances, to have Personal Data blocked, erased or destroyed;
- to receive the Personal Data in a structured, commonly used and machine-readable format in order to transmit those data to another controller or to require ISL to transmit them to such other controller;
- to claim compensation for damages caused by a breach of the Data Protection regulations.

Right to object to processing

As already stated above, there may be instances where parents, staff, substitutes, service providers, volunteers, interns, and in certain cases, students, may not want ISL to process or share Personal Data. In these cases, ISL may not be able to fulfil the contract or agreement or only do so in a limited way, or be able to comply with a statutory obligation. In those instances, ISL may not be able to comply with such a request.

Further information

The European Commission has a useful web site concerning GDPR and this can be found [here](#).

Concerns about the collection or use of Personal Data should be raised, in the first instance by contacting the Data Protection Officer at the School:

1. by emailing DPO@islux.lu or
2. by regular mail to International School of Luxembourg, 36 boulevard Pierre Dupong, L-1430 Luxembourg or
3. by telephone +352 26 04 41 10.

Luxembourg Supervisory Authority

Parents, staff, substitutes, service providers, volunteers, interns, and in certain cases, students, may also contact and/or lodge a complaint with the Supervisory Authority directly. In Luxembourg this is the CNPD:

Commission Nationale pour la Protection des Données (The National Commission for Data Protection)
 15, Boulevard du Jazz, L-4370 Belvaux
 Tel (+352) 26 10 60-1
<https://cnpd.public.lu/en.html>