



## **HOW WE USE YOUR INFORMATION**

### **PRIVACY NOTICE FOR PROSPECTIVE PUPILS AND THEIR PARENTS**

#### **WHO WE ARE**

Whitgift School is a member of The John Whitgift Foundation, a registered charity (number 312612), with Head Office at North End, Croydon, Surrey, CR9 1SS. The Foundation encompasses J W Educational Ltd, Company Number 03470213, with the same registered address. JW Educational Ltd runs the Whitgift School Shop and Whitgift Fitness and Wellbeing Centre. A separate Privacy Notice is provided for J W Educational Ltd.

The John Whitgift Foundation is registered with the UK Information Commissioner's Office as a Data Controller through the payment of the Data Protection Fee. It is committed to complying with all aspects of data protection and its responsibilities under both the General Data Protection Regulation (EU 2016/679) and the UK Data Protection Act 2018.

This Privacy Notice relates specifically to Whitgift School, Haling Park, South Croydon, CR2 6YT and to prospective Whitgift School pupils and their parents. It covers both the parents' own data and that of their sons. As a part of the John Whitgift Foundation data may be held by either or both the School and the John Whitgift Foundation.

#### **WHAT THIS PRIVACY NOTICE IS FOR**

This Notice is intended to provide information about how the School will use (or "process") personal data about prospective pupils and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Parents and prospective pupils are all encouraged to read this Privacy Notice and understand the School's obligations to its entire community. A short summary version is also available.

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:

- the contract between the School and the parents of pupils;
- the School's policy on taking, storing and using images of children;
- the School's CCTV policy;
- the School's Data Protection 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 and eSafety 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 the John Whitgift Foundation's Employee Privacy Statement, which also provides further information about how personal data about those individuals will be used.

## **RESPONSIBILITY FOR DATA PROTECTION**

The John Whitgift Foundation, as the Data Controller, 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 Notice and Data Protection Law.

Please contact the John Whitgift Foundation by email at [enquiries@johnwhitgiftfoundation.org](mailto:enquiries@johnwhitgiftfoundation.org), by telephone on 020 8680 8499 or by post to The John Whitgift Foundation, North End, Croydon, CR9 1SS.

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

In order to fulfil the contractual role of providing the admissions process for prospective pupils and parents, the School needs to process a wide range of personal data about individuals (including 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 the parents of its prospective 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 will fall within the category of **legal obligation**:

- The provision of pupil data to the Department for Education;
- The provision of pupil and/or parent data to the relevant authorities to fulfil the School's legal obligations in relation to safeguarding;
- The provision of pupil data to Her Majesty's Immigration Service in relation to the undertaking of academic study in the UK by non-EU citizens;
- The provision of information on rare occasions to third parties such as the courts and legal representatives, the local authority or the police where legally obliged to do so.

The School expects that the following use will fall within the category of **contract**:

- To provide the effective administration of the admissions process up to the point of acceptance of a place at the school or failure to be offered a place.

The School expects that the following uses will fall within the category of **legitimate interest**:

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To give and receive information and references about prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended.

- To safeguard prospective pupils' welfare and provide appropriate pastoral care;
- For security purposes, including CCTV in accordance with the School'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 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 categories of personal data** (concerning health, ethnicity or religion) in accordance with rights or duties imposed on it by law, including as regards safeguarding, or from time to time by explicit consent where required. These reasons will include:

**To Protect the Vital Interests of the Data Subject:**

- To safeguard prospective 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, for insurance purposes or to caterers who need to be made aware of dietary or medical needs;
- To provide admissions services in the context of any special educational needs of a pupil;
- As part of any School or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or

**To Comply with Legal Obligations or for the Establishment, Exercise or Defence of Legal Claims:**

- 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.
- For the establishment, exercise or defence of legal claims.

**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;
- prospective pupils' academic, disciplinary, pastoral, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- where appropriate, information about individuals' health, welfare or safeguarding, and contact details for their next of kin;
- references given or received by the School about prospective pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning prospective pupils and parents; and
- images of prospective 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 and the School's CCTV policy);

## **HOW THE SCHOOL COLLECTS DATA**

Generally, the School receives personal data from the individual directly (including, in the case of prospective 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 will be supplied by third parties (for example another school, or other professionals or authorities working with that individual).

## **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:

- professional advisers (e.g. medical staff, lawyers, insurers, PR advisers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority);
- appropriate regulatory bodies (e.g. the Independent Schools Inspectorate);
- other educational institutions (eg past or prospective); and
- software and educational resource and cloud storage 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 admissions process that the pupil requires.

Prospective 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 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 software 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. Occasionally this may require personal data to be transferred internationally, such as for cloud storage. Where this is outside of the EEA, then contractual clauses are in place in order to provide the same level of protection as if the data were held in a country directly under the remit of the GDPR.

## **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 it for a legitimate and lawful reason. Personal data collected now for successful applicants will form

the basis of their pupil file for the duration of their time at Whitgift. A further Privacy Notice for current pupils and their parents will be provided prior to entry to the School. Thereafter, the legal recommendation for how long to keep ordinary 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. The data of unsuccessful applicants and their parents will be held for 7 years from the date of application in order to support potential re-applications in later years.

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 Whitgift School Estates Manager, in his role as the School's Data Protection Compliance Manager. The Estates Manager can be contacted on [js@whitgift.co.uk](mailto:js@whitgift.co.uk), via the School switchboard on 020 8688 9222 or by post at Whitgift School, Haling Park, South Croydon, CR2 6YT. 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. The School's Retention Schedule is available on 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").

## **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 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 John Whitgift Foundation, ideally via email to [enquiries@johnwhitgiftfoundation.org](mailto:enquiries@johnwhitgiftfoundation.org) or otherwise addressed to the John Whitgift Foundation, North End, Croydon, CR9 1SS.

The Foundation 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 Foundation 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 Foundation 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 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 Foundation 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.

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.

- Prospective pupil requests

Prospective 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 prospective pupil of any age may ask a parent or other representative to make a subject access request on his 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 of Whitgift School age 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.

- 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 prospective pupils without their consent. The School may consider there are lawful grounds for sharing with or without reference to that prospective pupil.

Parents will in general receive all relevant information regarding their child in the admissions process. Where parents are separated, the School will 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 prospective 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 and 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. a parent contract, or because a

purchase of goods, services or membership of an organisation such as an alumni 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 prospective pupils – for example, under the parent contract, or via a form. Parents and prospective 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 prospective 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 prospective 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 prospective pupil's activities, progress and behaviour, and in the interests of the prospective pupil's welfare. That is unless, in the School's opinion, there is a good reason to do otherwise.

However, where a prospective 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 prospective pupil or other pupils, or if required by law.

Prospective Pupils are required to respect the personal data and privacy of others, and to comply with the School's relevant policies, e.g. IT: acceptable use policy and the School Rules.

## **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 relevant person, (normally the Admissions Office) 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 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 and of 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 NOTICE**

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 Notice should be directed to the Estates Manager at Whitgift School, in his role as the School's Data Protection Compliance Manager, using the following contact details: [js@whitgift.co.uk](mailto:js@whitgift.co.uk), 020 8688 9222 or Whitgift School, Haling Park, South Croydon, Surrey, CR2 6YT.

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 John Whitgift Foundation. 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.

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