

## **SCHOOL PRIVACY POLICY**

### **How The School Collects Data**

Generally, the school receives personal data from the individual directly (including, in the case of pupils or children under the age of 18, 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); or collected from publicly available resources.

### **Who Has Access To Personal Data And Who The School Shares It With**

#### **Processing by third parties**

Personal data collected by the school will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Personal data is held either within the school or for some functions, is outsourced either in terms of fully managing a service (e.g. records management scanning, staff pensions management) or in terms of a system being hosted by a third party but the school still being responsible for the management of the system (including, but not limited to, HR, Accounting and Finance, IT applications, cloud storage, monitoring, mailing]. In accordance with Data Protection Law, this type of external data processing is always subject to contractual assurances that personal data will be kept securely and used only in accordance with the school's specific directions.

#### **Data sharing**

Occasionally, the school – including its trustees / governing board – will need to share personal information relating to its community of staff, pupils and parents with third parties, such as:

- the school's Parent Teacher Association (PTA) known as the 1853 Society
- the school's alumni known as the Old Russellians (ORs)
- appropriate contractors, such as visiting drama and music teachers
- professional advisers (e.g. lawyers, insurers, PR advisers and accountants)
- examination boards
- Stage 3 complaints panels, which will include independent panel members
- third parties and their advisers in the event of a possible or actual sale, merger or other restructuring of the school; and
- government authorities (e.g. HMRC, DfE, CAF/CASS, police, Home Office, a relevant public health / NHS body and / or local authority) and/or appropriate regulatory bodies (e.g. the Teaching Regulation Agency, the Independent Schools Inspectorate (ISI), the Independent Schools Council (ISC))

#### **Access To Sensitive Data**

Particularly strict rules of access apply in the context of "special category" data, most notably:

- medical data; and
- pastoral or safeguarding data

#### **Medical data**

The school needs to process such information to comply with statutory duties and to keep pupils and others safe, but the school will ensure only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for school trips or for catering purposes. Express consent will be sought where appropriate.

However, a certain amount of any SEND 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.

#### **Pastoral or Safeguarding data**

Staff, pupils and parents are reminded that the school is under duties imposed by law and statutory guidance (including **Keeping Children Safe in Education (KCSIE)**), 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 Local Authority Designated Officer (LADO) or police.

KCSIE also requires that, whenever a child leaves the school to join another school or college, his or her child protection file is promptly provided to the new organisation. The school will retain a copy in accordance with its retention policy for material related to safeguarding matters.

For further information about this, please view the school's Safeguarding Policy.

The school also monitors (as appropriate) use of the school's IT and communication systems according to the ICT Acceptable Use Policy (AUP).

### **How Long We Keep Personal Data**

The school will retain personal data securely and only in line with the school's Data Retention Policy which takes on the findings of the Independent Inquiry into Child Sex Abuse (IICSA).

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 schools' Data Protection Officer. 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 (and/or any relevant other organisation, e.g. the 1853 Society, the ORs, the development or commercial departments) will use the contact details of parents, alumni and other members of the school community to keep them updated about the activities of the school, or alumni and parent events of interest, including by sending updates and newsletters, by email. Unless the relevant individual objects, the school will also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the school community, such as the 1853 Society and the ORs.
- Contact parents and/or alumni (including via the organisations above) by email (or post in exceptional circumstances) in order to promote and raise funds for the school [and, where appropriate, other worthy causes];
- Collect information from publicly available sources about parents' and former pupils' occupation and activities, in order to maximise the school's fundraising potential.
- Should you wish to limit or object to any such use, or would like further information about them, please contact the school in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. 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**

You have the following rights:

- to obtain access to, and copies of, the personal data that we hold about you
- to require us to correct the personal data we hold about you if it is incorrect
- to require us (in certain circumstances) to erase your personal data
- to request that we restrict our data processing activities (and, where our processing is based on your consent, you may withdraw that consent, without affecting the lawfulness of our processing based on consent before its withdrawal)
- to receive from us the personal data we hold about you which you have provided to us, in a reasonable format specified by you, including for the purpose of you transmitting that personal data to another data controller

- to object, on grounds relating to your particular situation, to any of our particular processing activities where you feel this has a disproportionate impact on your rights

Please note that the above rights are not absolute, and we may be entitled to refuse requests where exceptions apply. The school will endeavour to respond to any such requests as soon as is reasonably practicable and in any event within statutory time-limits (which is generally one month, but actually fulfilling more complex or multiple requests, e.g. those involving third party information, may take longer).

Individuals (both pupils and parents) have various rights under Data Protection Law to access and understand their own personal data held and processed by the school, and in some cases ask for it to be erased or amended, or to have it transferred elsewhere, or for the school to stop processing it – but subject to certain exemptions and limitations.

The school will be better able to respond quickly to smaller, targeted requests for information made during term time. If the request for information is manifestly excessive or similar to previous requests, the school may ask you to reconsider, or require a reasonable fee for the administrative costs of complying with the request, or in certain cases refuse the request (but only where Data Protection Law allows it, and in accordance with relevant regulatory guidance).

If you consider that the personal data we hold on you is inaccurate, please let us know. However, the school will not necessarily delete or amend views, opinions, notes or records purely on the request of an individual who disputes the account, although we may keep a record of all parties' viewpoints.

You should be aware that GDPR rights (including the right of access) are limited to your own personal data, and certain data is exempt. 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, or where a duty of confidence is owed by a legal adviser).

The school is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers, potentially including in mock exam scripts or other types of exams / tests used to assess performance – although markers' comments may still be disclosable if they constitute pupil personal data). The school is also not required to provide examination or other test marks ahead of their ordinary publication date, nor share any confidential reference held by the school that was (or will be) given for the purposes of the education, training, appointment or employment of any individual.

These exemptions necessarily apply also in the context of teacher-assessed grades, where required in the absence of formal public examinations due to pandemic conditions.

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 proportionate legitimate interest identified in this Privacy Notice. Generally, if the school still considers the processing of the personal data to be reasonably necessary, it is entitled to continue. All such requests will be considered on their own merits.

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. Pupils 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. 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. Requests not considered in the child's best interests may sometimes be refused.

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 and Pupil Handbook. 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, court orders, or pastoral issues (see Separated Parents Policy).

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.

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: (e.g. certain types of uses of images, 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 the 1853 Society or ORs).

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 above).

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.

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 Behaviour Policy, ICT 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 notify the school 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, and 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.

### **Queries and Complaints**

Any comments or queries on this policy should be directed to the Data Protection Officer using the following contact details:

Data Protection Officer  
Royal Russell School  
Coombe Lane  
Croydon  
CR9 5BX

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 or grievance procedure and should also notify the Data Protection Officer. 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.

### **References**

- Behaviour Policy
- Data Retention Policy

- ICT Acceptable Use Policy
- Parent and Pupil Handbook
- Safeguarding Policy
- Separated Parents Policy

Reviewed	NWC / MH	April 2022
Approved	SLT	July 2022
Next review due		April 2023