



DATA PROTECTION: PRIVACY NOTICE FOR DUCKS PUPILS AND PARENTS

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1. Introduction

This Privacy Notice explains how **DUCKS** uses (or “processes”) the personal information (or data) of members of current, prospective and former pupils and parents (including guardians). All references to DUCKS in this Notice shall be read to include or refer to Dulwich College as appropriate and references to the College shall be read to include DUCKS as appropriate.

This notice is provided in accordance with the rights of individuals under Data Protection Law¹ to understand how their data is used.

This Privacy Notice applies alongside any other information DUCKS 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 College's other relevant terms and conditions and policies applicable to DUCKS, including:

- any contract between the College and the parents of pupils;
- the College's Policy on taking, storing and using images of children;
- the College's CCTV Policy;
- the College's safeguarding and health and safety policies; and
- the College's IT policies (including its Acceptable Use policies).

Anyone who works for, or acts on behalf of, DUCKS (including employees, casual workers, agency staff, volunteers, governors, peripatetic staff, self-employed contractors and individuals working for DUCKS via service companies owned by them) should also be aware of and comply with this Privacy Notice.

The Clerk to Governors will deal with all requests and enquiries concerning DUCKS's use of your personal data and endeavour to ensure that all personal data is handled in accordance with this Privacy Notice and Data Protection Law. The Clerk's contact details are set out at the end of this document.

This Privacy Notice will be updated by the College from time to time. The latest version will be available in the [policies section](#) of the College's website.

2. Why DUCKS needs to process personal data

In order to carry out its ordinary duties to pupils and parents, DUCKS needs to process a wide range of personal data about individuals (including current, past and prospective pupils and parents) as part of its daily operation.

Some of this activity DUCKS will need to carry out in order to fulfil its legal rights, duties or obligations, including those under the contract made between parents and the College for the education and care of a pupil ("the Parent Contract").

¹ The General Data Protection Regulation as retained and applied in the UK ("UK GDPR") and Data Protection Act 2018 and all other data protection law and regulations

Other uses of personal data will be made in accordance with the DUCKS'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.

DUCKS expects that the following uses fall within the category of its (or its community's) "legitimate interests":

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To look after and care for the children at DUCKS;
- To provide education services (including sports and co-curricular activities);
- To monitor pupils' progress (including developmental milestones) and educational needs, including where such services are provided remotely;
- To maintain relationships with DUCKS's community, including direct marketing and 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 and diversity analysis);
- To conduct parent surveys (whether across the whole parent body or selectively) and to consult with parents (either the whole parent body or selected groups or individuals);
- To enable relevant authorities to monitor DUCKS'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 previously attended or where it is proposed they attend in the future;
- To manage debt recovery and credit control;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of DUCKS's IT and communications systems in accordance with the College's IT Acceptable Use Policies;

- To make use of photographic images of pupils (including films) in DUCKS publications, on DUCKS or the College website, via the Tapestry or other relevant EYFS (Early Years Foundation Stage) portal and (where appropriate) on the College's social media channels and various ad hoc and regular publications in accordance with the College's Policy on taking and using images of children;
- For security purposes, including CCTV in accordance with the College's CCTV Policy;
- To carry out or co-operate with any internal or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the College's purposes, including to obtain appropriate professional advice and insurance for the College.

In addition, DUCKS will on occasion need to process special category personal data² (including medical information) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time with 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 co-operation with the police or social services, for insurance purposes or to caterers or organisers of DUCKS trips (who may, for example, 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;
- As part of any internal or external complaints, disciplinary or investigation process that involves such data (for example, if there are 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.

3. Types of personal data processed by DUCKS

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;

² Special category data is information about an individual's race, ethnic origin, politics, religion, trade union membership, health, genetics, biometrics (where used for ID purposes), sex life or sexual orientation.

- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about parents (and others) who pay fees to the College;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs) and test scores;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by DUCKS about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning current and former pupils and parents;
- emergency contact details (so we know whom to contact in the event of an emergency involving a pupil); and
- images of pupils (and occasionally other individuals) engaging in DUCKS activities, and images captured by the College's CCTV system (in accordance with the College's policy on taking and using images of children);

4. How DUCKS collects data

Generally, DUCKS 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 will be supplied by third parties (for example another school or EYFS setting, or other professionals or authorities working with that individual) or collected from publicly available resources.

5. Who has access internally

For the most part, personal data collected by DUCKS will remain within the College and will be processed by appropriate individuals only in accordance with access protocols. Particularly strict rules of access apply in the context of:

- medical records held and accessed only by the College doctor and appropriate medical staff (information in medical records only being shared with other members of staff when our medical

staff deem it necessary for pastoral or safeguarding purposes or otherwise with express consent);
and

- safeguarding files.

In the case of pupils with Special Educational Needs, a certain amount of 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.

6. **Sharing with third parties**

In the course of running DUCKS, we share personal data (including special category personal data where appropriate) with third parties, including:

- the school doctor and other medical practitioners (including hospitals and dentists) and physiotherapists;
- speech and language therapists and occupational therapists;
- educational psychologists;
- peripatetic teachers (including visiting music and drama teachers) and other self-employed staff (including self-employed sports coaches);
- self-employed contractors and contractors working for the College via service companies owned by them;
- other schools;
- on-line learning journals (e.g. Tapestry) where observations of pupils are recorded and other online educational tools and apps etc.;
- school trip and transport providers;
- competition organisers;
- governmental and regulatory bodies (e.g. Social Services, UK Visas and Immigration, HM Revenue and Customs, the Department for Education, the Independent Schools Inspectorate, the Charity Commission, the Health & Safety Executive, the Information Commissioner and the Teaching Regulation Agency);
- Premium Credit Ltd (if you participate in School Fee Plan's finance arrangement for payment of school fees in monthly instalments);

- the police and other emergency services;
- Stage 3 complaints panel which will include governors independent panel members; and
- the College's professional advisors (e.g. auditors, lawyers and insurance brokers) and insurers.

Staff, pupils and parents are reminded that DUCKS is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) which include:

- 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, low-level concerns records kept about adults (which may include references to pupils or family members) and in some cases referrals to relevant authorities such as social services or the police. For further information about this, please view the College's Safeguarding Policy.
- To facilitate the transition of children from one school to another, DUCKS receives and provides SEN, pastoral and safeguarding information about pupils from/to other schools.

In common with many other schools, DUCKS provides parents with the names, dates of birth and parent contact details of other children in their child's class or year. Disclosure in this case is only done with the explicit consent of the parents i.e. we only disclose the details of parents who have given explicit consent to their details being shared with other parents.

We do not share or sell personal data to other organisations for use by them for their own purposes.

7. International Transfers

Some of the personal data we process about you may be transferred to, and stored at, a destination outside the European Economic Area ("EEA"), for example where a parent lives abroad or where personal data is processed by one of our suppliers who is based outside the EEA or who uses data storage facilities outside the EEA. A number of the College's IT systems are provided by third parties who are based or use servers outside the EEA (eg providers of hosted databases, websites, school post system, school portal, cloud storage and management information systems).

While some countries have adequate protection for personal data under applicable laws, in other countries steps will be necessary to ensure appropriate safeguards apply to it. These include imposing contractual obligations of adequacy or requiring the recipient to subscribe to or be certified with an international framework of protection.

8. How long we keep personal data

DUCKS will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason.

In the schools' sector, the usual legal recommendation for how long to keep ordinary pupil personnel files is up to seven years following departure from the school. However, incident reports and safeguarding files may need to be kept much longer, in accordance with specific legal or regulatory requirements from time to time or recommendations contained in IICSA's³ final report.

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 Clerk to Governors at the College. However, please bear in mind that the College 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.

Even where you have requested we no longer keep in touch with you, we will need to keep a record of that fact in order to fulfil your wishes (called a "suppression record").

9. Keeping in touch and supporting DUCKS

DUCKS may use the contact details of parents to keep them updated about the activities of DUCKS, parent events and other events of interest (including by sending updates and newsletters, by email and by post).

Unless the relevant individual objects, DUCKS may also:

- Contact parents by post and email in order to promote and raise funds for DUCKS and/or the College 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 College's fundraising potential.

We may use profiling and screening techniques (using publicly available data about you or information that you have provided to us) to target our fundraising resources effectively and to ensure communications are relevant and timely. They can help us to make appropriate requests of donors and potential donors, thus enabling us to raise more funds, sooner, and more cost-effectively than we otherwise would.

Should you wish to limit or object to any such use, or would like further information about them, please contact the Clerk to Governors (whose contact details are at the end of this document).

³ Independent Inquiry into Child Sex Abuse

The Development Office's Privacy Notice provides more specific information about their handling of personal data and is available in the policies section of the College website.

10. Your rights

Individuals have various rights under Data Protection Law to access and understand personal data about them held by DUCKS, and in some cases ask for it to be erased or amended or have it transferred to others, or for the College to stop processing it (subject to certain exemptions and limitations).

DUCKS 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). DUCKS 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 College may ask you to reconsider or require a proportionate fee (but only where Data Protection Law allows it).

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 that this may include their own children in certain limited situation, see further below), or information which is subject to professional privilege (for example, legal advice given to or sought by the College or documents prepared in connection with a legal action).

DUCKS is also not required to disclose any pupil test papers or other information consisting solely of pupil tests answers, nor share any confidential reference given by DUCKS for the purposes of the education of any pupil.

You may have heard of the "right to be forgotten" (or right of "erasure"). 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 and on a case by case basis.

11. Subject Access Requests

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 expected and/or entitled to make a subject access request on behalf of younger pupils, the information in question is always considered to be the child's at law.

Parents in general will receive academic and pastoral updates about their children, in accordance with the Parent Contact. Where parents are separated, the College will in most cases aim to provide the same information to each person with parental responsibility but will need to factor in all the circumstances, including the child's best interests.

All information requests on behalf of or concerning pupils (whether or not made as a statutory subject access request) will be considered on a case by case basis.

12. Consents

Where DUCKS has obtained your specific consent to process personal data for a particular purpose, you may withdraw this consent at any time. Please be aware however that DUCKS may have another lawful purpose for which 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 you.

13. Whose rights

The rights under Data Protection Law belong to the individual to whom the data relates.

DUCKS will often in practice rely on parental authority or notice for the necessary ways it processes personal data relating to pupils (e.g. under the Parent Contract or via a separate document). Parents should be aware that for legal purposes this is not necessarily the same as DUCKS relying on specific consent.

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 pupil and all other relevant circumstances).

In general, DUCKS will assume that a pupil's 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, behaviour and welfare) unless, in DUCKS'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, DUCKS may be under an obligation to maintain confidentiality, unless, in DUCKS's opinion, there is a good reason to do otherwise (e.g. where DUCKS believes disclosure will be in the best interests of the pupil or other pupils, or if required by law).

Staff and pupils are required to respect the personal data and privacy of others, and to comply with the College's acceptable use policies.

14. Data accuracy and security

DUCKS will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals should notify the College of any significant changes to important information, such as contact details, held about them.

DUCKS 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 DUCKS systems. Staff will be made aware of their duties under Data Protection Law and receive relevant training.

15. Queries and complaints

If you have any query about this Privacy Notice or believe that DUCKS has breached the data protection legislation, please notify the Clerk to Governors, Dulwich College, Dulwich Common, London SE21 7LD. Telephone: 0208 299 9306. Email: legal@dulwich.org.uk

You also have the right to take any complaints about how we process your personal data to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (Tel: 0303 123 1113 Website: www.ico.org.uk/concerns). Please note that the ICO recommends that steps are taken to resolve matters with the relevant organisation first, before involving the ICO.

Policy Owner:	Clerk to the Governors
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