Reviewed by: CW
Date: Mich. 2023
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RISHWORTH SCHOOL

GDPR PRIVACY NOTICE

Distribution: School Website, Staff Policy Library

WHO WE ARE

For the purposes of relevant legislation Rishworth School identifies as the Data Controller for personal data collected for lawful purposes.

Address:	Rishworth School, Oldham Road, Rishworth, West Yorkshire, HX6 4QA
Registered Company Number:	05855479
Registered Charity Number:	1115562

This privacy Notice covers all activities relating to the collection, processing and storing of personal data held by Rishworth School.

WHAT THIS PRIVACY NOTICE IS FOR

This **Privacy Notice** is intended to provide information about how Rishworth School (henceforth 'the School') will use (or "process") personal data about individuals including: its current, past and prospective employees; its current, past and prospective students; and their parents, carers or guardians (referred to in this policy as "parents"). Collectively, we refer to these individuals in the Privacy Notice as the *School community*.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, parents and students are all 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 students;
- any policies or notices applicable to staff concerning the handling of personal data;
- 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 how concerns or incidents are recorded; and
- the School's IT policies, including its Acceptable Use policy, Social Media policy, eSafety policy, WiFi policy, Remote Working policy and Bring Your Own Device policy.

- Anyone who works for, or acts on behalf of, the School (including staff, volunteers, Governors and service providers) will be inducted with suitable training commensurate to their role and access to all policies via the policy library as appropriate.

RESPONSIBILITY FOR DATA PROTECTION

The School has delegated responsibility through the Head, Bursar and IT Manager who will deal with requests and enquiries concerning the School's uses of 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 all members of the School community the School needs to process a wide range of personal data about individuals (including current, past and prospective staff, students 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 its staff, or parents of its students.

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 that category of its (or its community's) "**legitimate interests**":

- For the purposes of student selection, to confirm the identity of prospective students and their parents, and retain a record if appropriate for the purposes of future applications or openings. [This may include any necessary credit checks, whether with previous Schools or other third party sources.];
- To provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities to students, and monitoring students' progress and educational needs, including where such services are provided remotely (either temporarily or permanently)
- Maintaining relationships with alumni and others within the School community, including direct marketing or fundraising activity;
- For the purposes of donor/contributor due diligence, and to confirm the identity of prospective donors/contributors 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 and current students, including relating to outstanding fees or payment history, to/from any educational institution that the student attended or where it is proposed they attend; and to provide references to potential employers concerning past students;
- To enable students to take part in national or other assessments, and to publish the results of public examinations or other achievements of students of the School;
- To safeguard students' health and 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 students 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;

- For regulatory record keeping / compliance purposes in respect of immigration requirements, as an employer and/or visa sponsor;
- To carry out or cooperate with any internal 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 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 might will include but not be limited to:

- To safeguard students' 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 or external organisers of trips and visits who need to be made aware of specific dietary or medical needs;
- To comply with public health requirements in respect of Covid-19 (or similar) testing: including managing on-site testing and/or processing the results of tests taken by students or other members of the School community, and sharing this information with relevant health authorities;
- To provide educational services in the context of any special educational needs of a student;
- To provide spiritual education and/or support in the context of any religious beliefs;
- In connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans, and in a pastoral, complaint or disciplinary context;
- To run any of its systems that operate on biometric data, such as for security or other forms of personal identification;
- As part of any School or external complaints, disciplinary or investigation process that involves such data, for example if there are SEND, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring, health and safety and immigration / visa sponsorship compliance) 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 (or others) who pay fees to the School, and any anti-money laundering information we are required to collect by law;
- past, present and prospective students' 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;
- nationality and other immigration status information (eg right to work / study), including copies of passport information for the purposes of our Student Sponsor Status;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the School about students, and relevant information provided by previous educational establishments and/or other professionals or organisations working with students;

- correspondence with and concerning staff, students and parents (past and present); and
- images of students (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);

HOW THE SCHOOL COLLECTS DATA

Generally, the School receives personal data from the individual directly (or, in the case of students, from their parents/guardians). This data may be via a form, or simply in the ordinary course of interaction or communication (such as via email or in 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 WITH WHOM THE SCHOOL SHARES IT

Processing by third parties. 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). However, some functions are outsourced including [e.g. HR, accounting, IT, cloud storage / records management, 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 Governing Body – will need to share personal information relating to members of the School community with third parties, such as:

- the School's Parent Teacher Association (PTA);
- appropriate contractors, such as visiting 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 as might be involved in other financial transactions.
- government authorities (e.g. HMRC, DfE, CAFCASS, 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**, **Charity Commission**

ACCESS TO, AND SHARING OF, SENSITIVE DATA

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

- medical records;
- pastoral
- safeguarding files.
- Medical data.

The School needs to process such information to comply with statutory duties and to keep students 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 reasonable accommodation to be made to safeguard students, staff or members of the public, for School trips or for catering purposes for example. Express consent will be sought where appropriate.

However, some of any SEND student's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the student requires.

SAFEGUARDING DATA

Staff, students and parents are reminded that the School is bound by law and statutory guidance (including Keeping Children Safe in Education or 'KCSIE') to record or report incidents and concerns that arise or are reported, in some cases regardless of whether any allegations are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to necessitate notes on personnel or safeguarding files, low-level concerns records kept about adults (which may include references to students or family members), and in some cases referrals to relevant authorities such as the LADO, Children's Services, CAMHS or the police.

KCSIE also requires that, whenever a child leaves the School, his or her child protection file is promptly provided to the new educator, along with any other information which the School's Designated Safeguarding Lead considers material to the ongoing care needs of any student.

Where appropriate, the School will consult with parents as to how these needs are best served, but ultimately the decision as to what information is necessary to share with the new School or college is a safeguarding question that will be determined after due process by the School. The School will retain a copy of the child protection file in accordance with its retention policy for material related to safeguarding matters.

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

HOW LONG WE KEEP PERSONAL DATA

The School will retain personal data securely and only in accordance 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 student personnel files is up to seven years following departure from the establishment in question. 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 School. 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, alumni and other members of the School community to keep interested parties updated about the activities of the School, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. 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;
- Contact parents and/or alumni 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 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 the School hold about you;
- to require us to correct the personal data the School hold about you if it is incorrect;
- to require the School (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 the School 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 the School's 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 fulfilling more complex or multiple requests, e.g. those involving third party information, may take longer.

Individuals (both students 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 as set out in relevant legislation and accompanying guidance.

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 generally one month, but fulfilling more complex or multiple requests, e.g. those involving third party information, may take longer).

Rights of access, etc.

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 may impose 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 such refusal, 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 as a result of a request from an individual who disputes the account, although the School may keep a record of all parties' viewpoints.

Requests that cannot be fulfilled

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). Safeguarding is also generally considered to be a good reason in law to withhold certain information.

The School is also not required to disclose any student examination scripts (or other information consisting solely of student 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 student 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 or in other extraordinary circumstances in which such grading might occur. Please see our separate exam information policy which explains what information will be provided to all relevant students, and when, in respect of their grades.

You may have heard of the "right to be forgotten". However, the School 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.

Requests by or on behalf of students

Students 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 student of any age may ask a parent or other representative to make a subject access request on his/her behalf.

Whist a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger students, the law still considers the information in question to be the child's. Thus for older students, the parent making the request may need to evidence their child's authority for the specific request. Requests not considered by the School to be in the child's best interests (eg for reasons relating to safeguarding) may sometimes be refused.

Students of Senior School age 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. Younger students 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 to receive certain information about students without their consent. The School may consider that there are lawful grounds for sharing with or without reference to that individual.

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, court orders, or pastoral issues.

All information requests from, on behalf of, or concerning students – 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 such consent at any time (subject to similar age considerations as above) provided such intent is clearly communicated to the School. Examples where we do rely on consent might include, but not limited to:

- biometrics,
- 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 such consent.

Such 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 alumni 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 students – for example, under the parent contract, or via a form. Parents and students 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 student's age and understanding – to seek the student's consent, either alongside or in place of parental 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.

STUDENT CONSENT:

In general, the School will assume that students' 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 student's activities, progress and behaviour, and in the interests of the student's welfare. That is unless, in the School's opinion, there is a good reason to do otherwise.

However, where a student 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 such specific 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 student or other students, or if required by law.

Students are required to respect the personal data and privacy of others, and to comply with the School's rules, policies and in particular the IT Acceptable Use policy. Staff are obliged by professional standards to do the same, as described under the relevant staff policies, Staff Handbook and contract of employment.

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 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, 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, electronic or otherwise. 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 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 policy should be directed to the Head or Bursar.

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 Head or Bursar. 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.