Boundary Oak School GDPR Privacy Notice

Applicable to all members of the school community (past and present)

This policy should be read alongside:
Data Protection Parents and Pupil Policy
Privacy Notice
Data Protection Policy
Taking Storing and Using Images of Pupils Policy
Boundary Oak School Privacy Impact Assessment Procedures
Data Breach Policy

PRIVACY NOTICE

Who are we

We are Boundary Oak School and in accordance with the Data Protection Act and GDPR, the school has notified the Information Commissioner's Office of its processing activities. We are a company registered in England and Wales (the “School”). Our Company Registration Number **09001078**. The school's ICO registration number is **ZA072493** and its registered address is Boundary Oak School, Roche Court, Wickham Road, Fareham, Hampshire, PO17 5BL.

What is this Policy for

This policy is intended to provide information about how the school will collect, use and hold (or "process") personal data about individuals including its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents").

This makes the School a data controller of your personal information and this information is provided because data protection law gives individuals rights to understand how their data is processed.and this Privacy Notice sets out how we will use that information and what your rights are in respect of the data we hold about you. Please note that the School has a separate Data Protection Policy and Privacy Notice applicable to its employees and other staff.

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 pupils;

- 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 as to how concerns or incidents are recorded;
- the school's IT policies, including its Acceptable Use policy and eSafety policies.
- The school's behaviour policy
- Anyone who works for, or acts on behalf of, the school (including staff, volunteers, proprietors and service providers) should also be aware of and comply with this Privacy Notice and the school's data protection policy for staff, which also provides further information about how personal data about those individuals will be used.

Responsibility For Data Protection

The School has appointed Thomas Kates, the Commercial Manager, as the Compliance Officer who will endeavour to ensure that all personal data is processed in compliance with this policy and the Act and who 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 policy and Data Protection Law.

He can be contacted by email at tkates@boundaryoak.co.uk or by telephone 01329280955.

Why the School Needs to Process Personal Data

In order to carry out its ordinary duties to staff, pupils and parents, the School needs to process a wide range of personal data about individuals (including current, past and prospective staff, 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 its staff, or parents of its 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 may fall within that 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 provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- For welfare and health and safety purposes sharing medical information on a need to know basis with club and activity providers.
- Maintaining relationships with alumni and the school community, including direct marketing, fundraising activity or work experience provision and advice;
- 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 diversity or gender pay gap analysis and taxation records);
- 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, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils;

- To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils of the school;
- To safeguard pupils' 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 pupils 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; 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 may 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 may 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 health/medical condition where it is in the individual's interests to do so: for example for emergency medical care, to arrange the assessment and diagnosis of a pupil's health and medical conditions and special educational needs, for social protection, safeguarding, and cooperation with police of social services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs.
- To comply with public health requirements.
- 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;
- In connection with employment of its staff, for example, DBS checks, welfare or pension plans;
- 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 and health and safety) 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 source of funds and/or anti-money laundering information we are required to collect by law;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- nationality and other immigration status information (e.g. right to enter, live and study in the United Kingdom), including copies of passport information;
- where appropriate, information about individuals' health, and contact details for their next of kin;
- references given or received by the school about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- images of 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 CCTV policy);

How the School Collects Data

Generally, the school 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 may be supplied by third parties (for example another school, or other professionals or authorities working with that individual); or collected from publicly available resources, such as the land registry office or companies house (when reviewing means tested bursaries).

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 BOSS (Boundary Oak School Society), professional advisers (lawyers and accountants) or relevant authorities (HMRC, police or the local authority).

For the most part, personal data collected by the school will remain within the school and the schools MIS system (ISAMS) 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 nurse and appropriate medical staff under his/her supervision, shared by the school nurse on a need-to-know basis with other staff or club takers, or otherwise in accordance with express consent; and
- pastoral or safeguarding files.
- If you are a parent and a member of the Parent Teacher Association ("BOSS"), the School may share by consent your contact details with the PTA. The PTA is a separate data controller, and the school is not responsible for the PTA's processing of personal data.

However, a certain amount of any SEN, pastoral and/or medical 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. This is only shared via a cloud based drive which requires sign in from staff.

Staff, 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 may include file notes on personnel or 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.

Non-threshold incidents will still be recorded in either the incident log, the pastoral care list, the school's management information system or in the confidential safeguarding folder.

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 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. Your personal information may be transferred in and out of the UK and the European Economic Area ("EEA") where local laws may not provide legal protection for personal data in the same way as is applicable in the UK or the EEA. Where your personal information is processed outside of the UK and EEA, we will ensure that we take the necessary steps to protect your personal information as required by data protection laws.

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 for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and 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. For any subject access requests, the school will retain the documentation for 3 years post-response.

Boundary Oak School ensures that any data relating to safeguarding is kept for 31 years from the child's date of birth. The school will always review this retention period and if needed will retain the data for legitimate reasons. This will be reviewed annually with the Designated Safeguarding Lead and Head.

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 be considered for erasure, please contact the Head, Sophie Savage at SSavage@boundaryoak.co.uk. 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").

Data retention will abide by the GDPR's seven principles:

Lawfulness, fairness and transparency	Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject
Purpose limitation	Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
Data minimisation	Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
Accuracy	Personal data shall be accurate and, where necessary, kept up to date
Storage limitation	Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
Integrity and confidentiality	Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures
Accountability	The controller shall be responsible for, and be able to demonstrate compliance with the GDPR

A privacy impact assessment (PIA) will be carried out on any new projects to ensure compliance with these 7 principles. See our privacy impact assessment procedures policy for more information.

Keeping in Touch and Supporting the School

The school and/or any relevant other organisation e.g. Globeducate, Alumni/development 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 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, such as the BOSS (Boundary Oak School Society);
- Contact parents and/or alumni by online survey, post and email in order to promote and raise funds for the school and, where appropriate, other worthy causes, such as charity or to promote work experience and careers advice;
- 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 Head in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the school may need nonetheless 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

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 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 Head.

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 one month in the case of requests for access to information. The school will be better able to respond quickly to smaller, targeted requests for information. If the request is manifestly excessive or similar to previous requests, the school may ask you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it.

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal professional privilege. The school is also not required to disclose any pupil examination scripts (though examiners' comments may fall to be disclosed), nor any confidential reference given by the school for the purposes of the education, training or employment of any individual.

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). Indeed, while a person with parental responsibility will generally be expected 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. A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf, and moreover (if of sufficient age) their consent or authority may need to be sought by the parent. Pupils aged 13 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. Children younger than 13 may be sufficiently mature to have a say in this decision. All subject access requests from pupils 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). Please be aware however that the school may 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 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 consent to process personal data relating to pupils (if consent is required) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on 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 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, unless, in the school'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, 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 E-safety policies/rules/code of conduct, acceptable use policy and the school rules. Staff are under professional duties to do the same covered under the relevant staff policy.

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 Head 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. All staff and proprietors 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. This Privacy Notice was last updated on 13th January 2024.

QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the Headteacher using Head@boundaryoak.co.uk or by calling the school on 01329 280955.

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/grievance procedure

and should also notify the Head. The school 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.

Person responsible for the latest revision	GDPR Compliance Officer
Signed off by	Head
Last review	Jan 2025
Next review:	Jan 2026

Appendix 1

Boundary Oak School – COVID-19 Testing Privacy Statement Update 2025

In 2022 Boundary Oak School took part in the COVID-19 Saliva testing Programme. At the school no longer participate in the programme the data we provided to the NHS will be kept by the NHS for 8 years. This was explained to parents when we took part in the programme.

Appendix 2 – For Staff Only

Low-level concerns about adults

We will process personal data about you, whether or not it constitutes special category data, in accordance with our policy on recording and sharing low-level concerns about adults. This will be processed for the same safeguarding and/or employment law reasons as set out above.

Such records are subject to the rules on retention set out in the school's Low-Level Concerns Policy, and you have the same rights in respect of that information, as any other personal data that we hold on you. However, any requests to access, erase or amend personal data we hold in accordance with this policy may be subject to necessary exemptions, for example if we consider that compliance with the request might unreasonably impact the privacy rights of others or give rise to a risk of harm to children.

As a general rule, records of low-level concerns will be kept at least until (Or for up to 7 years following) the termination of your employment, but may need to be retained longer: e.g. where relevant, individually or cumulatively, to any employment, disciplinary or safeguarding matter. Low-level concerns will not be included in references unless they relate to issues which would normally be included in references, for example, misconduct or poor performance. A low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) will not be referred to in a reference.

Sharing your information with others

For the purposes referred to in this privacy notice and relying on the grounds for processing as set out above, we may share your personal data with certain third parties. We may disclose limited personal data (including in limited cases special category or criminal data) to a variety of recipients including:

- other employees, agents and contractors (e.g., third parties processing data on our behalf as part of administering payroll services, the provision of benefits including pensions, IT etc. – although this is not sharing your data in a legal sense, as these are considered data processors on our behalf);

- DBS and other 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 etc.;

- other schools within Globeducate Group e.g. Stonar/ICS London

- external auditors or inspectors;

- our advisers where it is necessary for us to obtain their advice or assistance, including insurers, lawyers, accountants, or other external consultants;

- third parties and their advisers in the unlikely event that those third parties are acquiring or considering acquiring all or part of our school, or we are reconstituting or setting up some form of joint working or partnership arrangement in the unlikely event that those third parties are acquiring or considering acquiring all or part of our school, or we are reconstituting.

- when the school is legally required to do so (by a court order, government body, law enforcement agency or other authority of competent jurisdiction), for example HM Revenue and Customs or police.

We may also share information about you with other employers in the form of a reference, where we consider it appropriate, or if we are required to do so in compliance with our legal obligations. References given or received in confidence may not be accessible under your UK GDPR rights.

How long your information is kept

Personal data relating to unsuccessful job applicants is deleted at the end of the application process, except where we have notified you, we intend to keep it for longer (and you have not objected).

Subject to any other notices that we may provide to you, we may retain your personal data for a period of 7 years after your contract has expired or been terminated.

However, some information may be retained for longer than this, for example incident reports and safeguarding files, in accordance with specific legal requirements. Please see our Data Retention Policy

Data Sharing Partners

The personal data associated with test results will be shared with DHSC, NHS, PHE and local government to ensure they take the necessary actions they need to complete under their legal obligations.

Your Rights

Under data protection law, you have rights including:

Your right of access - You have the right to ask us for copies of your personal information.

Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances.

Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances.

Your right to object to processing - You have the the right to object to the processing of your personal information in certain circumstances.

Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at ssavage@boundaryoak.co.uk if you wish to make a request.

How to complain

If you have any concerns about our use of your personal information, you can make a complaint to us at ssavage@boundaryoak.co.uk

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1111