Privacy Notice for Students and Parents

Who we are

ICS London is a Data Controller for the purposes of Data Protection law. This notice is intended to provide information about how our schools will use (or "process") personal data about individuals including: its staff; 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 as the school's community.

This information is provided because Data Protection law gives individuals rights to understand how their data is used. 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 our schools' other relevant terms and conditions and policies. These may include:

- Any contract between the school and its staff or the parents of students
- A school's policy on taking, storing and using images of students
- A school's CCTV policy
- A school's retention of records policy
- A school's safeguarding, wellbeing, behaviour, health and safety policies, including how concerns or incidents are recorded
- A school's IT Acceptable Use policy

Anyone who works for, or acts on behalf of, the school (including staff, volunteers, directors and service providers) should also be aware of and comply with 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 a Data Protection lead. This member of staff will deal with any 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.

Why the school needs to process data

In order to carry out its ordinary duties to staff, students and parents, 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 (and to confirm the identity of prospective students and their parents);
- To provide education services, including musical education, physical training, career services, and extra-curricular activities to students, and monitoring and reporting on students' progress and educational needs;
- To provide transport to and from the school
- For maintaining relationships with alumni and the school community, including social activities and fundraising activity;
- 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, current and prospective students, including rating 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 of 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' 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 Acceptable Use of IT policy;
- To make use of photographic images of staff, students and/or parents 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 students;
- For security purposes, including CCTV in accordance with the school's CCTV policy;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

In addition, the school will on occasion need to process special category personal data (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information in accordance with rights or duties imposed on it by law. This includes matters about safeguarding and employment, or from time to time, will include by explicit consent as required. Reasons for processing will include:

- 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 organisers of school trips who need to be made aware of dietary or medical needs;
- To provide educational services in the context of any special educational needs of a student;
- In connection with employment of its staff, for example background checks, welfare, union membership or pension plans;
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are Special Educational Needs or Disabilities (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 who pay fees to the school;
- 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;
- 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;
- 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 (including, in the case of students, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments). However, in some cases personal data will be supplied by third parties (for example another school, or other professionals or authorities working with that individual).

Who has access to the data and who the school shares it with

Occasionally, the school will need to share personal information relating to its community with third parties, such as:

- Professional advisers, e.g., solicitors, insurers, PR advisers and accountants;
- Government authorities
- Organisers of sporting or extra-curricular events in which the school´s students are participating;
- Operators of transport services for the school;
- Examination boards;
- Appropriate regulatory bodies.

In making decisions about a permanent exclusion, the Head of School will consider any special educational needs, disabilities, gender, and cultural differences that may be relevant to the case.

Personal data collected by the school will remain within the school, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- Medical records, which are held and accessed only by the school nurses and appropriate medical staff under his/her supervision, or otherwise in accordance with express consent; and
- Pastoral or safeguarding files.

A certain amount 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.

Staff, students and parents are reminded that the school is under duties imposed by law and statutory guidance 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.

Safeguards when transferring data outside of the UK

Finally, 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 in accordance with Data Protection Law, and only in accordance with the school's specific directions. It is always subject to contractual assurances that personal data will be kept securely, including if data is transferred outside of the United Kingdom.

If the parent of a student is based outside the UK, we may transfer a student's personal data to the correspondence address provided by that parent. We will take all reasonable steps to ensure that such transfers are secure as mandated by the Data Protection Act 2018.

Automated decision making and artificial intelligence

The school does not currently employ any automated decision-making tools or

artificial intelligence which may result in a detrimental effect (either professionally or financially), however this section will be updated and all subjects informed as soon as any changes are made.

How long we keep personal data

The school will retain personal data only for the length of time necessary for a legitimate and lawful reason.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure, the purposes for which we process your personal information and whether we can achieve those purposes through other means.

Files for accounting purposes are retained according to local law, student files are retained according to local law and ordinary staff files are retained according to local laws. Incident reports and safeguarding files are retained in accordance with specific legal requirements. Where a minimum retention period is required by law, we comply with that minimum period plus additional time for us to anonymise or delete information in accordance with our internal processes.

A limited and reasonable amount of information will be kept indefinitely for archiving purposes. Access to archives is strictly limited.

If you have any specific queries about how our retention policy is applied, or wish to request that personal data you no longer believe to be relevant is considered for erasure, please contact the designated staff member.

Also note that 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 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
- Contact parents and/or alumni by post and email in order to promote and raise funds for the school or other worthy causes;
- Should you wish to limit or object to any such use, or would like further information about them, please contact the school offices. 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

Individuals have various rights under Data Protection Laws to access and understand personal data about them held by the school, and in some cases ask for it to be erased or amended, to have it transferred to others, or for the school to stop processing it – but this is 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 school.

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, but actually fulfilling more complex requests may take 1-2 months longer).

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 proportionate fee (but only where Data Protection Law allows it).

Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the school, or documents prepared in connection with a legal action).

The school is also not required to disclose any student examination scripts (or other information consisting solely of student test answers), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the school itself for the purposes of the education, training or employment of any individual.

You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

Student Requests

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.

Indeed, while 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: for older students, the parent making the request may need to evidence their child's authority for the specific request.

Students aged 12 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. Slightly younger children may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

Parental Requests

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 students without their consent. The school may consider there are lawful grounds for sharing with or without reference to that student.

Parents will in general receive educational updates about their children. Where parents are separated, the school will, in most cases, aim to provide the same information to each person with parental responsibility, unless there is a court order to the contrary, or there are other reasons which justify withholding information to safeguard the welfare and best interests of the child.

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 this consent at any time (subject to similar age considerations as above). Examples where we do rely on consent are: use of student images together with full name. 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 other lawful 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).

Your other data protection rights

In addition to the rights of access and withdrawal of consent, you also have the right to:

- Ask us to rectify, erase or restrict processing of your personal data, or object to the processing of it (in certain circumstances)
- Prevent the use of your personal data for direct marketing by the school
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which your, or your child's, personal data is transferred outside of the United Kingdom
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively effect you
- Prevent processing that is likely to cause harm or distress
- Make a data protection complaint to the school
- Make a complaint to the ICO
- Ask for your, or your child's, personal data to be transferred to a third party in a structured, commonly used and machine-readable format

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 to process data is required, it may in some cases be necessary or appropriate to seek the student'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 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 confidentiality. Exceptions to this may be if, 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 IT acceptable use policy and the school rules. Staff are under professional duties to do the same covered under the relevant staff policies.

Data accuracy and security

The school will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the relevant school staff 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 directors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

Changes to this notice

The school will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our data protection lead.

Alternatively, you can make a complaint to the Information Commissioner's Office:

Report a concern online at https://ico.org.uk/concerns/

Call 0303 123 1113

Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Contact Details

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our data protection lead [Prem Guckool] on:

Email: **prem.guckool@icslondon.co.uk**

Telephone number: **+44 (020) 7298 8807**