

DATA PROTECTION POLICY

This policy has been authorised by the Governing Body and the Head of King Edward VI School in compliance with the Data Protection Law its regulations and guidance issued by the Information Commissioners Office. This policy is applicable to all pupils including those in the EYFS.

The policy is available to all members of staff, is available to parents, legal guardians and pupils on request and is published on the School website.

For the purposes of this policy, staff may include named peripatetic workers with a specific, role-related requirement to view personal data, including Special category data. The Data Protection Lead (DPL) will at their legitimate request, grant such a named individual 'read only' access to specified data. Such data shall not be copied or shared with any third party other than with the express, written permission of the DPL. Provision of access shall be restricted solely to data, which is needed for the individual to fulfil their contract for service with the School properly and to the best of their ability, and does not contravene the terms of this policy or the Computer Misuse Act.

- 1 The aim of the policy is to ensure that we do all that is reasonable to comply with the law when we process relevant personal data about current, past or prospective pupils, their families and guardians and School staff.
- 2 "Processing" may include creating, obtaining, recording, and holding, disclosing, amending, destroying or otherwise using personal data (this expression is explained below).
- 3 We have appointed the Assistant Head (Digital Strategy & ICT) as the School's DPL for the teaching staff and the Bursar as the DPL for the non-teaching staff. They will endeavour to ensure that all personal data is processed in compliance with this policy.

The Data Protection Principles

- 4 In accordance with Data Protection Principles we will do all that is reasonable to ensure that all personal data is:
 - Used fairly, lawfully and transparently;
 - Used for specified, explicit purposes;
 - Used in a way that is adequate, relevant and limited to only what is necessary;
 - Accurate and where necessary, kept up-to-date;
 - Kept for no longer than is necessary;
 - Handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

Meaning of "personal data"

- 5 "Personal data" means any information relating to an identified or identifiable living individual. "Identifiable" means one who can be identified directly or indirectly, in particular by reference to an identification number or to one or more factors specific to physical, physiological, mental, economic, cultural or social identity.

KING EDWARD VI SCHOOL, SOUTHAMPTON & STROUD SCHOOL King Edward VI Preparatory School

Certain categories of online identifiers may be “personal data” such as URLs, device identifiers, cookie IDs and IP addresses

- 6 Every school is required, as part of its operation, to process a wide range of personal data which may include –
- Names, addresses, dates of birth and national insurance numbers.
 - Bank details and other financial information.
 - Academic, disciplinary, admissions and attendance records and references.
 - Medical records and safeguarding records.
 - Examination scripts and marks.
 - Photograph/s and CCTV images.

Processing of personal data

- 7 We will only process personal data about a pupil, a parent, a legal or educational guardian and staff if relevant consent has been given and/or the processing is necessary -
- For the performance of our contract with parents; or
 - To comply with a legal obligation; or
 - To protect the vital interests of the Data Subject; or
 - For the administration of justice; or
 - For the legitimate interests of the School or a third party (such as another school or an examining board).

Personal data is 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

Special category data

- 8 We may, from time-to-time, be required to process Special category data relating to a pupil, a parent, a legal guardian, education guardian or staff member. Special category data is information as to racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical/mental health or condition, sexual life, criminal offences and sentences imposed.
- 9 Special category data will generally be processed only where one of the following conditions applies
- The Data Subject has given explicit consent with ; or
 - One of the conditions in paragraph 8 above applies; or
 - The information has already been made public by the Data Subject; or
 - There is a medical or statutory requirement to process the data, for example, a statutory requirement to safeguard and promote the welfare of the Data Subject or any statutory requirement to notify a suspicion of money laundering, or co-operate with the authorities in other ways.

Rights of access to data

- 10 Individuals have a right of access to their personal data unless an exemption applies (see below). An individual wishing to access their personal data should put their

KING EDWARD VI SCHOOL, SOUTHAMPTON & STROUD SCHOOL King Edward VI Preparatory School

request in writing to the DPL. We will respond to a request for access to records within forty days of receiving the request, or earlier if practicable.

Exemptions from the right of access

- 11 The Data Protection Law provides that certain data is exempt from the right of access, including:
- Information which identifies other individuals.
 - Information which we reasonably believe likely to cause damage or distress.
 - Data prepared solely or mainly to request or give legal advice.
 - Examination scripts written by a pupil.
 - Data that does not concern a living individual.
 - Data that is not part of a manual or electronic filing system.
 - Data that may be evidence in criminal proceedings.
 - (In some cases) documents protected by copyright.
- 12 We will also treat as confidential any reference in our possession, which has been prepared or given to UCAS and any reference for current or prospective education, training or employment of a pupil or staff member. We acknowledge that an individual may have a right of access to a reference which we receive about them from another source. Such reference will only be disclosed, however, if -
- Disclosure will not identify the source of the reference; or
 - The referee has given consent; or
 - Disclosure is reasonable in all the circumstances.

Who can exercise the rights

- 13 Rights belong to the individual to whom the personal data relates. In most cases, however, we are entitled to rely on parental consent to process data relating to pupils unless, in the particular circumstances, it is unreasonable to rely on the parents' consent. This could arise, for example, if there is a conflict of interests between parents and a pupil or if disclosure of information would interfere with a pupil's lawful right to confidentiality.
- 14 We will only grant a pupil direct access to their personal data if we reasonably believe that the pupil understands the nature of the request and that access would not be likely to cause damage or distress to the pupil or other pupils.

Requests from third parties

- 15 We will normally disclose such data as is necessary to third parties for the following purposes -
- To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend, or to a prospective employer;
 - To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend;
 - To publish the results of public examinations or other achievements of pupils at the School;
 - To publish non-portrait-style photographs or images of pupils who are not identified by name in our prospectus or promotional video or on our website;
 - To disclose details of a pupil's medical condition, allergies or disability, where it is in the pupil's interests that we do so, for example, for medical advice,

KING EDWARD VI SCHOOL, SOUTHAMPTON & STROUD SCHOOL King Edward VI Preparatory School

insurance purposes or to members of staff supervising sports and games or to organisers of school trips.

- 16 In most other cases, we will not generally disclose personal data to third parties unless the Data Subject has given consent or one of the specific exemptions under the Data Protection Law applies. If we receive a disclosure request from a third party we will take all reasonable steps to verify the identity of the third party before making any disclosure.
- 17 A parent, or a pupil aged 12 years plus, who wishes to limit or object to the pupil's image being used in the School's promotional material can withdraw consent at any time by notifying the DPL in writing.
In the absence of notification, we will, from time-to-time, make use of personal data relating to pupils, their parents or guardians in the following ways -
- In our prospectus, video, website or other promotional literature or materials; we will not, however, publish a portrait-style photograph or the pupil's name without the express agreement of a parent or a pupil aged 12 years or more.
 - To compile and maintain our register of current or former pupils or any necessary list of pupils representing the School as a member of a team or on a school trip.
 - To give information relating to the fundraising activities of the School and initiatives considered beneficial to members of the School community.
 - To maintain contact with former members of the School and their association and to inform them of events and activities.

Staff and employees of the school

- 19 All Staff have a responsibility to ensure that they process any data in relation to pupils' (or staff) files in accordance with this Data Protection Policy in particular that it is adequate, relevant and not excessive; accurate and up-to-date.

All staff must ensure that any access to data is secure (i.e. passwords, encryption pseudonymisation and paper copies of data). Data that is the subject of this policy should not be stored outside School IT systems unless express written authority has been given by the DPL. Staff must also not pass any home contact details including email addresses (staff, pupil or parent) to other parties without the consent of that person.

Staff Photographs – Staff Photographs will be used for security purposes however any member of staff who wishes to limit their image being used in the School's promotional material can withdraw consent at any time by notifying the DPL in writing.

Accuracy

- 20 We will do all that is reasonable to ensure that personal data held in relation to an individual is accurate. Individuals must notify the Data Manager/HR of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

Administration

- 21 We will take reasonable steps to ensure that members of staff will only have access

KING EDWARD VI SCHOOL, SOUTHAMPTON & STROUD SCHOOL King Edward VI Preparatory School

to personal data relating to pupils, their parents or guardians, or staff members where it is reasonably necessary for them to do so. All members of staff will be made aware of this policy and of their duties under the Data Protection Law. We will do all that is reasonable to ensure that personal information is held securely and is not accessible to unauthorised persons.

22. The School may appoint individuals not directly employed by the School to act on the School's behalf as Data Processors. In these cases, the levels of access, security and processing will be specified by the School as part of the contract and cannot be used outside these terms.
23. If an individual believes that we have not complied with this policy or have acted otherwise than in accordance with the Data Protection Law, they should notify the DPL.
24. If you have any enquires in relation to this policy, please contact the DPL who will also act as the contact point for any subject access requests. General information on data protection is also available from the Information Commissioner's Office, www.ico.gov.uk.
25. In the event of a data loss or disclosure the DPL must be informed who will, as necessary, inform the ICO regarding the nature of this breach.

This policy 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 Privacy Notice;
- 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 data breach policy;
- the school's safeguarding, pastoral, or health and safety policies
- the school's IT policies, including its Acceptable Use policy and e Safety policy.

**KING EDWARD VI SCHOOL, SOUTHAMPTON
& STROUD SCHOOL** King Edward VI Preparatory School

Appendix 1 - Access to personal data

I, the undersigned, have a legitimate reason to be granted 'read only' access to personal data, which may include Special category data held securely by the Data Protection Controller(s) on behalf of King Edward VI School.

I confirm my understanding of the School's Data Protection Policy, and undertake to abide by its conditions. In particular, my attention has been drawn to the obligation placed on me as a peripatetic worker, namely:

"For the purposes of this policy, "staff" may include named peripatetic workers with a specific, role-related requirement to view personal data, including Special category data. Such a named individual will, at their legitimate request, be granted 'read only' access to specified data by the Data Protection Controller. Such data shall not be copied or shared with any 3rd party other than with the express, written permission of the Data Protection Controller. Provision of access shall be restricted solely to data which is needed for the individual to fulfil their contract for service with the School properly and to the best of their ability, and does not contravene the terms of this policy or the Computer Misuse Act."

I also undertake to notify the Data Protection Lead immediately in the following circumstances:

- when I no longer have a legitimate need to access any or all of the data for which I have been granted 'read only' access,
- if I have reason to believe that my IT security has or may have been compromised in any way, thereby affecting the security of the School's data to which I have, or have had, access.

I understand that my access rights may be withdrawn at any time by the Data Protection Lead(s) who will notify me straightaway if this occurs.

Signed: Date:

Name:

(print full name)

**KING EDWARD VI SCHOOL, SOUTHAMPTON
& STROUD SCHOOL** King Edward VI Preparatory School

Appendix 2 – Use of Images of Pupils by the School

Dear Parent,

The School makes various uses of images of pupils during their time at school.

Some of these are necessary for administration and the safety of pupils, such as CCTV and for your child's school ID card. Media uses, including photos of pupils at work or involved in co-curricular activities such as trips, sport, music etc., may be included on the School website or as part of a School prospectus or magazine.

Please indicate below if you consent, for the time being, to your child's image used in School media. Where appropriate (owing to the pupil's age or nature of the use) we will also seek the verbal or written consent of a particular pupil before publishing any image where that pupil is a particular focus of the shot, or identified by name, but not usually when included as part of a larger group or team shot.

NAME OF CHILD:

Tick []

Yes, I consent to my child's image being used in School media in the manner described.

You may withdraw consent at any time in the future, subject to the notice at the bottom of this form. If you object to such uses until further notice, please indicate below. In ensuring we can give effect to your wishes, it will also assist us if you are able to give reasons.

OR:

Tick []

No, I object to all non-essential uses of my child's image without specific consent.

Please give reasons [optional]: _____

Please be aware that objecting as above will not necessarily mean that the School will not continue to process images of your child that are either necessary for administration of the School or where the School requires it and is otherwise lawfully entitled to do so. It may not be possible to change previously printed publications, such as the school magazine or prospectus, or third party publications (for example, where we have placed an advert or provided an image to a newspaper). **Please see our Privacy Notice for further details, or enquire via data@kes.hants.sch.uk**

NAME OF PARENT:

ADDRESS:

Signed: _____

**KING EDWARD VI SCHOOL, SOUTHAMPTON
& STROUD SCHOOL** King Edward VI Preparatory School

Appendix 3 – Use of Your Image by the School

Dear [Pupil's name]

The School wishes to use your image in the following manner:

DESCRIPTION OF USE:

[Name and description of use, e.g. where and what image, to be filled in by member of staff]

Please indicate below if you understand the above and are happy to consent, for the time being, to your image used in this way. You may withdraw your consent at any time in the future, but please be aware that it may only be possible to remove online images and the School cannot change printed materials once published.

Yes, I agree [to be filled in by pupil]

NAME:

SIGNATURE:

DATE OF BIRTH:

Please be aware that the School will not always seek your permission to use photographs and video, for example where necessary for the running of the school (such as a security ID or CCTV). **Please see our Privacy Notice for further details, or enquire via data@kes.hants.sch.uk**

Reviewed September 2017

Reviewed May 2018

Updated June 2018

Updated July 2018

Related Policy

e- Safety

Reviewed annually by Cabinet and every three years by Governors