

PRIVACY NOTICE			
Ref.:	DP002	Rev: 8	Date: April 2024

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## PRIVACY NOTICE FOR PUPILS AND PARENTS

8	April 2024	Annual Review		PPT
7	October 2022	Annual Review	CC	PPT
6	Jan 2022	RW/SA confirm that no update required		RW
5	Nov 2020	Amended for Brexit	SA	
4	Nov 2019	Minor updates in line with ISBA template	SA	
3	Nov 2018	RW and SA agreed no need for amendments	RW	
2	May 18	Revised format in light of GDPR – whole scale revision	SA	RW
1	Feb 2017	Revised format and reviewed content	SA	AM
Rev.	Date	Amendment	Completed By:	Authorised By:

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## SCOPE

1. This Notice applies to all staff including those in the EYFS.

## WHO WE ARE

2. Bishopsgate School (referred to in this Notice as "School"), under the terms of Data Protection Law is a data controller, meaning that we collect personal data about individuals, be they parents, pupils, or alumni and that we determine how that personal data is processed and for what purpose. 'Data Protection Law' as of 1st January 2021 means the UK Data Protection Act 2018.

## WHAT THIS NOTICE IS FOR

3. This Notice is intended to provide information about how the School will use (or "process") personal data about individuals including: its current, past and prospective pupils; and their parents, carers or guardians (referred to in this Notice as "parents"). This information is provided in accordance with the rights of individuals under Data Protection Law to understand how their data is used. Parents and older pupils are encouraged to read this Privacy Notice and understand the School's obligations to its entire community.
4. 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.
5. This Privacy Notice also applies in addition to the School's other relevant terms and conditions and policies, including:
  - a. The contract between the School and the parents of pupils.
  - b. The School's policy on [Taking, Storing and Using Images of Children](#).
  - c. The School's policy on CCTV which is found in the School's [Data Protection Policy](#).
  - d. The School's [Retention and Destruction of Records Policy](#).
  - e. The School's [Child Protection Safeguarding Policy](#), including as to how concerns or incidents are recorded.
  - f. The School's IT policies, including its [Pupil Acceptable Use of ICT Policy](#), [Data Protection Policy](#), [Online Safety Policy](#), [Remote Access Working Policy](#) and [Bring Your Own Device Policy](#).

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6. Anyone who works for, or acts on behalf of the School (including staff, volunteers, Governors and service providers) will be subject to suitable training and/or policies commensurate with their role.

#### **RESPONSIBILITY FOR DATA PROTECTION**

7. The School has appointed the Human Resources and Compliance Manager as the Privacy and Compliance Officer 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 Notice and Data Protection Law. The Human Resources and Compliance Manager can be contacted via the School Office.

#### **WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA**

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

9. Some of the activity the School will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with the 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.

10. The School expects that the following uses may fall within that category of its (or its community's) "legitimate interests":

- a. For the purposes of pupil selection, to confirm the identity of prospective pupils and their parents and retain a record if appropriate for the purposes of future applications or openings.
- b. 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; and maintaining relationships with alumni and the School community.
- c. Maintaining relationships with alumni and the school community, including direct marketing or fundraising activity.
- d. For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background.

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- e. 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).
  - f. To enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate.
  - g. 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.
  - h. 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.
  - i. To safeguard pupils' welfare and provide appropriate pastoral care.
  - j. To monitor (as appropriate) use of the School's ICT and communications systems in accordance with the School's [Pupil Acceptable Use of ICT Policy](#).
  - k. 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](#).
  - l. For security purposes, including CCTV in accordance with the School's policy on CCTV which can be found in the [Data Protection Policy](#).
  - m. To carry out or cooperate with any school or external complaints, disciplinary or investigation process.
  - n. Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School.
11. This information will include pupils' contact details, assessment results, attendance information, any exclusion information, and where they go after they leave us.
  12. 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 the 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:

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- a. To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition where it is in the individual's interests to do so: for example for medical advice, social services, insurance purposes or to organisers of School trips.
- b. To provide educational services in the context of any special educational needs of a pupil.
- c. 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.
- d. 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**

13. This will include by way of example:
  - a. Names, addresses, telephone numbers, email addresses and other contact details.
  - b. Passport details in the case of some school trips.
  - c. Car details about those who use our car parking facilities.
  - d. Bank details and other financial information, e.g. about parents who pay fees to the School;  
past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks.
  - e. Where appropriate, information about individuals' health, and contact details for their next of kin.
  - f. 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.
  - g. Correspondence with and concerning staff, pupils and parents past and present.
  - h. 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 Taking, Storing and Using Images of Children Policy).

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## HOW THE SCHOOL COLLECTS DATA

14. 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).

15. 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 WHO THE SCHOOL SHARES IT WITH

16. Occasionally, the School will need to share personal information relating to its community with third parties, such as professional advisers (lawyers and accountants) or relevant authorities (HMRC, police or the local authority) or, in the case of school trips abroad, travel companies and border control.

17. 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 IT, cloud storage, bursary applications and financial auditing. 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.

18. Occasionally, the school, including its Governing board, will need to share personal information relating to its community of staff, pupils and parents with third parties, such as:

- a. The school's BSocial (parents social committee).
- b. Appropriate contractors, such as visiting music teachers.
- c. Professional advisers (e.g. lawyers, insurers, PR advisers and accountants).
- d. Stage 3 complaints panels, which will include independent panel members.
- e. Government authorities (e.g. HMRC, DfE, CAFCASS, police or the relevant local authority) and/or appropriate regulatory bodies e.g. the Teaching Regulation Agency, the Independent Schools Inspectorate, the Charity Commission, etc.
- f. If you are a parent, the School may share your contact details with the BSocial once your consent for that sharing has been provided.

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g. Occasionally the school Governors will need to process parent or pupil information, such as when a complaint is raised (and in accordance with the School Complaints Procedure, this may also require the involvement of independent panel members).

## ACCESS TO SENSITIVE DATA

19. Particularly strict rules of access apply in the context of “special category” data, most notably:

- a. Medical records (held and accessed only by the School Nurse and appropriate medical staff under her supervision, or otherwise in accordance with express consent or in the vital interest of the pupil).
- b. Pastoral or safeguarding files.

20. However, a certain amount of any pupil’s relevant SEND information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

21. 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 [Child Protection and Safeguarding Policy](#).

22. Keeping Children Safe in Education (KCSIE) also requires that, whenever a child leaves the School to join another school or college, his or her child protection file is promptly provided to the new organisation. The School will retain a copy in accordance with its retention policy for material related to safeguarding matters. For further information about this, please view the school’s [Child Protection and Safeguarding Policy](#).

23. The Department for Education (DfE) may also share pupil level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with Data Protection Law. Decisions on whether the DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data. For more information on how this sharing process works, please visit: [How to access Department for Education \(DfE\) data extracts](#).



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24. For information on which third party organisations (and for which project) pupil level data has been provided, please visit: [DfE external data shares - GOV.UK](#).

25. If you need more information about how our local authority and/or the DfE collect and use your information, please visit:

- a. The School Local Authority at: [Pupil and children's data](#).
- b. The DfE website at: [Data protection: how we share pupil and workforce data](#).

26. In accordance with the 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.

#### **HOW LONG THE SCHOOL KEEPS PERSONAL DATA**

27. 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 financial files is up to 7 years following departure from the School and pupil files 25 years from DOB. Incident reports and safeguarding files will need to be kept for longer, in accordance with specific legal requirements. If you have any specific queries about how this 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 Human Resources and Compliance Officer via the School Office. However, please bear in mind that the School may have lawful and necessary reasons to hold on to some data even following such a request.

28. A limited and reasonable amount of information will be kept for archiving purposes, for example; 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"). For further information on the criteria used by the School when retaining data, please refer to the [Data Retention and Destruction Policy](#).

#### **KEEPING IN TOUCH AND SUPPORTING THE SCHOOL**

29. When a child leaves the School, the parent (and the child if s/he has reached the age of 13) will be offered the opportunity to be included in our Alumni programme. A separate Privacy Notice regarding the processing of your data for Alumni purposes will be provided at that time. Should an individual wish to limit or object to any such use, or would like further information about them, please contact the Human Resources and Compliance Manager in writing. An individual always has the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the School may nonetheless need to retain some of details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

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## YOUR RIGHTS

30. Individuals have various rights under the 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.

31. Individuals have the following rights:

- a. To obtain access to, and copies of, the personal data that the School holds about them.
- b. To require the School to correct the personal data the School holds about them if it is incorrect.
- c. To require the School (in certain circumstances) to erase their personal data.
- d. To request that the School restrict our data processing activities (and, where the processing is based on their consent, they may withdraw that consent, without affecting the lawfulness of the School's processing based on consent before its withdrawal).
- e. To receive from the School the personal data which is held about them which they have provided to the School, in a reasonable format specified by them, including for the purpose of them transmitting that personal data to another data controller.
- f. To object, on grounds relating to their particular situation, to any of the School's particular processing activities where they feel this has a disproportionate impact on their rights.

32. 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 Human Resources and Compliance Manager.

33. 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 the individual to reconsider or charge a proportionate fee, but only where Data Protection Law allows it. Fulfilling multiple or more complex requests, e.g. those involving third party information, may take 1-2 months longer than the statutory time limit, as provided for in Data Protection Law.

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34. Note that the above rights are not absolute, and individuals 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 or received by the School for the purposes of the education, training or employment of any individual.

## CONSENT

35. 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 age considerations as per the section on 'Whose Rights' below). 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. a parent contract, or because a purchase of goods, services or membership of a group such as the BSocial or after school club has been requested).

36. The School collects photographic images of our pupils which we use for purposes of identification and also for marketing purposes. Upon accepting an offer of a place at the School for their child, an applicant will have been offered an opportunity to consent or otherwise to the use of their child's photographic image for marketing purposes. The School will only use images of pupils for marketing purposes where parental consent has been explicitly given and in line with the School's [Taking, Storing and Using Images of Children Policy](#).

37. Upon accepting an offer of a place at the School for their child, an applicant will have been offered an opportunity to consent or otherwise to the School sharing their contact information with other parents in their child's cohort. The purpose of this sharing of information is to facilitate the wider School community.

38. An applicant will also have been offered an opportunity to consent or otherwise to the School sharing their contact information with the BSocial. The purpose of this sharing of information is also to facilitate the wider School community, including the promotion of fundraising efforts. The School will not share their contact information with either a child's cohort nor the BSocial unless explicit consent has been given. An applicant always has the right to withdraw consent, where given, or object to direct marketing or fundraising.

## PUPIL REQUESTS

39. 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 entitled to make a Subject Access Request on behalf of younger pupils, the information in question is always considered to be the child's at law.

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40. A pupil of any age may ask a parent or other representative to make a Subject Access Request on his/her behalf. Moreover (if of sufficient age) their consent or authority may need to be sought by the parent making such a request. Pupils aged 13 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.

41. All information requests from, or on behalf of, pupils – whether made under a Subject Access Request or simply as an incidental request – will therefore be considered on a case by case basis.

### WHOSE RIGHTS

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

43. 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.

44. 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.

45. Pupils are required to respect the personal data and privacy of others, and to comply with the School's [Pupil Acceptable Use of ICT Policy](#) and the School rules, as described in School policies, particularly the [Behaviour Policy](#). Staff are under professional duties to do the same covered under the [Staff Acceptable Use of ICT Policy](#) and associated relevant policies.

### DATA ACCURACY AND SECURITY

46. 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 Office of any significant changes to important information, such as contact details, held about them.

47. 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



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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.

48. 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 Governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

#### **THIS NOTICE**

49. 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**

50. Any comments or queries on this Notice should be directed to the Human Resources and Compliance Manager via the School office.

51. If an individual believes that the School has not complied with this Notice or acted otherwise than in accordance with Data Protection Law, they should utilise the School [Complaints Policy](#) procedure and should also notify the Human Resources and Compliance Manager. The individual 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.