



# OUNDLE

School

## DATA PROTECTION POLICY FOR PARENTS AND PUPILS

### 1. Introduction

The Corporation of Oundle School ("the School") is fully committed to compliance with the requirements of the Data Protection Act 2018 ("the Act") and the European General Data Protection Regulation (EGDPR). The School will therefore follow procedures that aim to ensure that all employees, contractors, agents, consultants, partners or other members of the School who have access to any personal data held by or on behalf of the School, are fully aware of and abide by their duties and responsibilities under the Act. For the purposes of the Act, the School is the "data controller" of personal data about pupils and their parents and/or guardians ("your personal data"). The School is registered with the Information Commissioner's Office ("ICO") under registration Z8558821.

### 2. Statement of Policy

In order to operate safely and efficiently, the School has to collect and use personal data about people with whom it works ("data subjects"). This may include families of pupils, pupils themselves, members of the public, current, past and prospective employees, clients and customers, suppliers and other third parties. In addition, it may be required by law to collect and use personal data in order to comply with the requirements of central government. This personal data must be handled and dealt with properly, however it is collected, recorded and used, and whether it be held on paper or electronically, regardless of media. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using personal data. In this policy any reference to pupils includes current, past or prospective pupils.

The School regards the lawful and fair treatment of personal data as very important to its successful operations and to maintaining confidence between the School, its pupils, their parents or guardians, staff and those with whom it carries out business. To this end the School fully endorses and adheres to the Principles of Data Protection as set out in the Act and the EGDPR.

### 3. The Principles

The School shall, as far as is reasonably practicable, comply with the 8 Data Protection Principles contained within the Act to ensure that all personal data processed by the School is: -

- 1) Processed fairly and lawfully;
- 2) Obtained for specified purposes and only processed in accordance with those purposes;
- 3) Adequate, relevant and not excessive;
- 4) Accurate and up-to-date;
- 5) Not kept for longer than necessary;

- 6) Processed in accordance with the data subject's rights;
- 7) Kept secure and protected;
- 8) Transferred outside the European Economic Area only when the country in question ensures an adequate level of protection, and shall adhere to the obligations listed in paragraph 7 of this policy.

#### **4. Personal Data**

Personal data covers both facts and opinions about a living individual who can be identified from that data (or from that data and other information in the School's possession). It includes information necessary for employment such as the employee's name and address and details for payment of salary. It may also include information about the employee's health and appraisals at work.

The School processes a wide range of personal data of pupils, their parents or guardians as part of its operations. This personal data may include (but is not limited to) names and addresses, dates of birth, bank details, academic, disciplinary, admissions and attendance records, references, School reports, examination scripts and marks.

#### **5. Processing of Personal Data**

Consent may be required for the processing of personal data unless the processing is necessary for the School to undertake its obligations to pupils, their parents or guardians, or staff. The school collects the personal data it processes directly from the data subject (or in the case of a pupil, his parents or guardians) and from third parties.

Any information that falls under the definition of personal data, and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this policy.

#### **6. Sensitive Personal Data**

The School may be required to process sensitive personal data regarding a member of staff or pupil, their parents or guardians. Where sensitive personal data is processed by the School, the explicit consent of the data subject or appropriate representative will generally be required in writing, although there are certain exemptions to this rule. Sensitive personal data includes:

- medical information;
- racial or ethnic origins;
- political opinions or trade union membership;
- religious or other beliefs;
- offences committed or alleged;
- proceedings in respect of an offence and the disposal of such proceedings or sentence.

#### **7. Handling of Personal Data**

The School will:

- Observe in full conditions regarding the fair collection and use of personal data;
- Meet its legal obligations to specify the purpose for which personal data is used;
- Collect and process appropriate personal data and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- Ensure the quality of personal data used;
- Apply retention procedures to determine the length of time personal data is held;

- Take appropriate technical and organisational security measures to safeguard personal data;
- Ensure that personal data is not transferred abroad without suitable safeguards;
- Ensure that the rights of people about whom the personal data is held can be fully exercised under the Act and the EGDPR
- The school will implement Privacy Impact Assessments (PIAs) in high-risk situations. PIAs are a useful tool which help the school to consider and address the privacy risks involved in processing personal data. PIAs will be used when new projects or technology are deployed in the school to access and mitigate potential risk. PIAs should be used alongside existing project management and risk management methodologies. It is the responsibility of the project manager to consider potential risks and to contact the Privacy Officer with any concerns they may have.

Personal data must be processed in line with data subjects' rights. Data subjects have a right to:

- Request access to data about them held by the School (see Rights of access to Information below);
- The right to prevent processing in certain circumstances such as for direct marketing purposes or where the processing is likely to cause damage or distress to themselves or anyone else; and
- The right to ask to have inaccurate data about them amended.

Here are some examples of this:

- We need to tell appropriate members of staff if your child is allergic to something.
- We may receive information about family circumstances that might affect your child's welfare and happiness.
- We may keep details of your address when your child leaves the School so that we can send your child further information about the School and find out how your child is progressing.
- If your child is from another country, we have to make sure that they have the right to study in the UK. We might have to provide their information to UK Visas and Immigration.

## 8. Rights of Access to Information

Data subjects have a right of access to personal data about themselves held by the School. Any individuals wishing to access their personal data should put their request in writing to the Bursar (a 'data subject access request'). The School will endeavour to respond to any such written requests within the ICO's recommended 30-day time frame.

A data subject can assist the School in responding to a data subject access request by specifying:

- the format of personal information being requested (e.g. hard copy documents or electronic communications);
- what the personal information relates to (e.g. education, pastoral care etc.)
- the date or date range of when the personal information was created.

The School will treat as confidential any reference given by the School for the purpose of the education, training or employment, or prospective education, training or employment of any pupil or employee. The School acknowledges that an individual may have the right to access a reference relating to them received by the School. Such a reference will only be disclosed if such disclosure will not identify the source of the reference, where the referee has given their consent, or if disclosure is reasonable in all the circumstances.

The rights under the Data Protection Act and the EGDPR are the individual's to whom the data relates. The School will, however, in most cases rely on parental consent (or the consent of a guardian) to process data relating to pupils unless, given the nature of the processing in question, and the pupil's age and understanding, it is unreasonable in all the circumstances to rely on the parent's (or guardian's)

consent. The School will grant the pupil direct access to their personal data if, in the School's reasonable belief, the pupil understands the nature of the request. As a general guide, a child aged 12 or older is expected to be mature enough to understand the request they are making. A child may however be mature enough at an earlier age, or may lack sufficient maturity until a later age and all requests will be considered on a case by case basis.

Where a pupil raises a concern confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the School believes disclosure will be in the best interests of the pupil or other pupils.

## 9. Exemptions

Certain data is exempted from certain provisions of the Data Protection Act and the EGDP, including in connection with or relevant to the following:

- The prevention or detection of crime;
- The assessment or collection of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School;
- References given by the School.

The Data Protection Act and the EGDP contains a number of exemptions when personal data may be withheld, including:

- Personal data which might cause serious harm to the physical or mental health of the pupil or another individual;
- Cases where the disclosure would reveal a child is at risk of abuse;
- Personal data contained in adoption and parental order records;
- Personal data given to a court in proceedings under the Magistrates' Courts (Children and Young persons) Rules 1992;
- Copies of examination scripts; and
- Providing examination marks before they are officially announced.

The School will generally not be required to provide access to personal data held in an unstructured way.

The School is also not required to disclose to any pupil examination scripts.

## 10. Accuracy

The School will endeavour to ensure that all personal data held in relation to data subjects is accurate. Staff must notify the Personnel Department of any changes to personal data held about them, and pupils and their parents (or guardians) should contact the Pupil Database Manager. An individual has the right to request that inaccurate personal data about them be erased or corrected.

## 11. Disclosure of Information

The School may receive requests from third parties to disclose personal data it holds about data subjects. The School confirms that it will not generally disclose information unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. However, the School

does intend to disclose such personal data as is necessary to third parties for the following purposes: We may share some information with our insurance company, for example, when there is a serious incident at the School.

- To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend;
- To give a confidential reference relating to an employee;
- 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 of the School;
- To disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips.

Where the School receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

## **12.Third Parties**

The school may be required to pass personal data (including sensitive personal data where appropriate) to third parties on occasion. These third parties may process the school's data:

- to enable the relevant authorities to monitor the school's performance;
- to compile statistical information;
- to secure funding for the school or on behalf of individual pupils;
- to safeguard pupils' welfare and provide appropriate pastoral and medical care
- where necessary in connection with learning and co-curricular activities undertaken by pupils;
- to enable pupils to take part in public examinations and other assessments and to monitor their progress and educational needs;
- to obtain appropriate professional advice and insurance for the school;
- where otherwise required by law
- otherwise where reasonably necessary for the operation of the school and employment of its staff.

The school may also share personal data about OOs with the Oundle Society, which may contact OOs occasionally by post and email about the School and its activities.

## **13.Use of Personal Information by the School**

The School will, from time to time, make use of personal data relating to data subjects in the following ways:

- To make use of photographic images of pupils or members of staff in School publications and on the School website.
- For fundraising, marketing or promotional purposes and to maintain relationships with pupils of the School, including transferring information to any association, society or club set up for the purpose of establishing or maintaining contact with pupils, or for development, fundraising, marketing or promotional purposes.

However, the School will not publish photographs of individuals with their names without the express agreement of the appropriate individual.

## 14.Data Protection Responsibilities

Day-to-day responsibility is undertaken by members of support and academic staff. They will endeavour to ensure that all personal data is processed in compliance with the Principles of the Data Protection Act and the EGDPR.

In addition, the School will ensure that:

- There is someone with specific responsibility for data protection in the School;
- Everyone managing and handling personal data understands that they are contractually responsible for following good data protection practice;
- Everyone managing and handling personal data is appropriately trained to do so;
- Everyone managing and handling personal data is appropriately supervised;
- Anyone wanting to make enquiries about handling personal data, whether a member of staff or a member of the public, knows what to do;
- Queries about handling personal data are promptly and courteously dealt with;
- Methods of handling personal data are regularly assessed and evaluated;
- Performance with handling personal data is regularly assessed and evaluated;
- Data sharing with third parties is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures.

All managers and staff within the School's Departments will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and, in particular, will ensure that:

- Paper files and other records or documents containing personal and/or sensitive data are kept in a secure environment;
- Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically;
- Individual passwords should be such that they are not easily compromised.

All contractors, consultants, partners or other agents of the School must:

- Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of the School, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between the School and that individual, company, partner or firm;
- Provide the School with information about how it processes data held on its behalf (if requested);

All contractors who are users of personal data supplied by the School will be required to confirm that they will abide by the requirements of the Act with regard to information supplied by the School.

## 15.Enforcement

If an individual believes that the School has not complied with this Policy or acted in accordance with the Data Protection Act, he or she should notify the Bursar. Employees may use the School's Grievance Procedure. Parents (or guardians) may use the Complaints Procedure for Parents. Pupils may contact their Hsm.

## **16.Data Breach Management**

In the event of a suspected breach of the Act the following will be addressed by the School:

- Containment and recovery;
- Assessment of ongoing risk;
- Notification of breach;
- Evaluation of response.

If an individual believes that the school has not complied with this policy, the individual should notify the Privacy Officer who shall, where appropriate, refer the matter for resolution in accordance with the school's grievance/disciplinary procedure (for staff) or complaints procedure (for parents/pupils).

The School will follow the advice provided by the Information Commissioner's Office on how to manage data breaches and when to notify.

## **17.Notification to the Information Commissioner**

The Data Protection Act 2018 and the EGDPR requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.

To this end Departments will be responsible for notifying and updating the Director of Digital Strategy of the processing of personal data, within their area.

The Director of Digital Strategy will review the Data Protection Register annually, prior to notification to the Information Commissioner.

Any changes to the register must be notified to the Information Commissioner, within 28 days. To this end, any changes made between reviews will be brought to the attention of the Director of Digital Strategy.

## **18.Audits**

The School will undertake regular internal audits of Boarding Houses and Departments to ensure this policy's requirements are being followed, including penetration testing.

## **19.Further Information**

For further information concerning your rights as a data provider and our responsibilities as data processors and controllers, please see the privacy statement in the parent contract terms and conditions or the statement on the school website or the parent portal.

## **20.Advice**

Advice is also available from the Information Commissioner's Office at [www.ico.gov.uk](http://www.ico.gov.uk)

## **21.References**

This policy is based on documents published on the ISBA website.  
Please see also the School ICT Acceptable Use Policies.