



Privacy Notice

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I. Policy Statement

This policy applies to Luckley House School, which is a Charitable Company Limited by Guarantee.

Address and Registered Office: Luckley House School

Luckley Road

Wokingham

Berkshire

RG40 3EU

www.luckleyhouseschool.org

Company No: 1091938

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

Collectively we refer to these individuals in the Privacy Notice as the School Community.

Staff, parents and pupils are all encouraged to read this Privacy Notice and understand the School's obligations to its entire community. There is 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 is 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 policy on [taking, storing and using images of children](#)
- the [CCTV policy](#)
- the Retention of Records policy
- the [Safeguarding](#), Pastoral, or Health & Safety policies, including as to how concerns or incidents are recorded
- the IT policies, including its [Acceptable Use policy](#) and [eSafety policy](#).

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.

The School will update this Privacy Notice from time to time. Any substantial changes that affect the rights of individuals will be provided to them directly as far as is reasonably practicable.

2. Data Protection

The School has appointed the Bursar as Compliance & Privacy Manager who will deal with all requests and enquiries concerning the School's uses of personal data and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

3. Managing Data

In order to carry out its duties to staff, pupils and parents, the School needs to process a wide range of personal data about individuals 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.

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 legitimate interests:

- for the purposes of pupil selection and to confirm the identity of prospective pupils and their parents, and to retain a record if appropriate for the purposes of future applications
- 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
- maintaining relationships with alumni and the School community, including direct marketing or fundraising
- for the purposes of donor due diligence, and to confirm the identity of prospective donors and their background
- 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 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 IT and communications systems in accordance with the IT: Acceptable Use Policy
- to make use of photographic images of pupils in publications, on the website and, where appropriate, on the School's social media channels in accordance with the policy on taking, storing and using images of children
- to carry out or cooperate with any School or external complaints, disciplinary or investigation process
- for security purposes, including CCTV in accordance with the CCTV policy
- where otherwise it is 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 (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 occasions will 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 medical condition or other relevant information where it is in the individual's interests to do so (e.g. for medical advice, for social protection, safeguarding and cooperation with police or social services, for insurance purposes or to organisers of School trips or visits who need to be made aware of dietary or medical needs)
- to provide educational services in the context of any special educational needs
- in connection with the employment of staff (e.g. DBS checks, welfare or pension plans)
- as part of any School or external complaints, disciplinary or investigation process that involves such data (e.g. if there are SEN, health or safeguarding elements)
- for legal and regulatory purposes (e.g. child protection, diversity monitoring, and health & safety) and to comply with its legal obligations and duties of care.

4. Types of Data

Data will include:

- 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 pupils' academic, disciplinary, admissions and attendance records, including information about any special needs, and examination scripts and marks
- personnel files, including in connection with academic matters, employment or safeguarding
- where appropriate, information about individuals' health and contact details of 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
- correspondence with and concerning staff, pupils and parents, past and present
- 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).

5. Collecting Data

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.

In some cases personal data will be supplied by third parties (e.g. from another School, or other professionals or authorities working with that individual).

6. Accessing Data

General

For the most part, personal data 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 (e.g. the monitoring of IT systems). 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.

Occasionally the School will need to share personal information relating to staff, pupils and parents with third parties, such as:

- professional advisers (e.g. lawyers, insurers, PR advisors and accountants)
- appropriate contractors such as visiting music teachers
- government authorities (e.g. HMRC, DfE, police or the local authority)
- Stage 3 complaints panels, which include independent panel members
- examination boards
- appropriate regulatory bodies (e.g. the Charity Commission, the Independent School Inspectorate, the Information Commissioner).

Particularly strict rules of access apply in the context of 'special category' data, most notably:

- medical records
- pastoral or safeguarding files.

Medical data

The School needs to process such information to comply with statutory duties and to keep pupils and others safe, but will ensure that only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for School trips or for catering purposes.

A certain amount of any SEND 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.

Express consent will be sought where appropriate.

Safeguarding

Staff, pupils and parents are reminded that the School is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education or KCSIE) to record or report incidents and concerns that arise or are reported, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, low-level concerns records kept about adults, and in some cases referrals to relevant authorities such as the Local Authority Designated Officer (LADO) or police.

KCSIE also requires that whenever a child leaves the School to join another school or college, his/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 please refer to the Safeguarding Policy.

7. Retention of Data

The School will retain personal data securely and only in line with how long it is necessary to keep it for legitimate and lawful reasons. The legal recommendation for 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.

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 is considered for erasure, please contact the Bursar, Mr Norman Patterson bursar@luckleyhouseschool.org. Please bear in mind that the School may have lawful and necessary reasons to hold on to some personal data even following such a request.

A limited and reasonable amount of information will be kept for archiving purposes, for example. Where you have requested we no longer keep in touch with you, we will need to keep a record of the fact that in order to keep your wishes (called a 'suppression record').

8. Communication

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 contact parents and/or alumni by post and email through the parent association 'Luckley House Friends' or 'Luckley Alumni' in order to promote and raise funds for the School.

Should you wish to limit or object to any such use, or would like further information, please contact the Bursar, Mr Norman Patterson bursar@luckleyhouseschool.org, in writing. You always have the right to withdraw consent where given, or otherwise object to direct marketing or fundraising.

9. Subject Access Requests

Both pupils and parents have various rights under Data Protection Law to access and understand their own personal data held and processed by the School, and in some cases to ask for it to be erased or amended, or to have it transferred elsewhere, or for the School to stop processing it subject to certain exemptions and limitations.

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.

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 where Data Protection Law allows it.

If you consider that the personal data we hold on you are inaccurate please let us know. The School will not necessarily delete or amend views, opinions, notes or records purely on the request of an individual who disputes the account, although we may keep a record of all parties' viewpoints.

Requests that cannot be fulfilled

You should be aware that GDPR rights, including the right of access, are limited to your own personal data; and certain data are exempt. Exempt data will include information which identifies other individuals (parents should be aware that this may include their own children, in certain situations), or information which is subject to legal privilege. (e.g. legal advice given or sought by the School, or documents prepared in connection with a legal action).

The School is also not required to disclose any pupil examination scripts, or other information consisting solely of pupil test answers, provide examination or other test marks ahead of any ordinary publication, or share any confidential reference given by the School for the purposes of the education, training, appointment 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 (e.g. a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice).

Generally, if the School still considers the processing of the personal data to be reasonably necessary, it is entitled to continue. All such requests will be considered on their own merits.

Requests by or on behalf of pupils

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. A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.

While a person with parental responsibility will generally be entitled to make a subject access request on behalf of a pupil, the law still considers the information in question to be the pupil's. Parents making the request may need to evidence their child's authority for such a request. Requests not considered in the child's best interests may sometimes be refused.

Pupils aged 13 and above are generally assumed to have this level of maturity although this will depend on both the pupil and the personal data requested, including any relevant circumstances. Slightly younger children may be judged sufficiently mature to have their views taken into account.

Parental requests

It should be 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 pupils without their consent. The School may consider there are lawful grounds for sharing information with or without reference to pupils.

Parents will in general receive educational and pastoral updates about their children, in accordance with the Parent Contract. Where parents are separated, the School will, in most cases, aim to provide the same information to each person with parental responsibility, but may need to factor in all the circumstances including the express wishes of the child.

All information requests from, on behalf of, or concerning pupils, whether made under subject access or simply as an incidental request, will 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. 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 without consent.

Such a 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).

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 pupils (e.g. under the parent contract, or *via* a form). Parents and pupils should be aware that this is not necessarily the same as the School relying on strict consent.

Where consent is required, it may in some cases be necessary or appropriate, given the nature of the processing in question and the pupil's age and understanding, to seek the pupil's consent either alongside or in place of parental consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the pupil, the parents' rights at law or under their contract, or 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.

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 (e.g. 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 IT: Acceptable Use Policy and the School rules.

10. Accuracy and Security

The School will endeavour to ensure that all personal data held in relation to an individual are as up-to-date and accurate as possible. Individuals must please notify the School Registrar, Mrs Claire Crombie registrar@luckleyhouseschool.org, 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 information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law).

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.

11. Queries and Complaints

Any queries about this policy should be directed to the Bursar using the following contact details:
bursar@luckleyhouseschool.org

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 Complaints Procedure and also notify the Bursar. In addition referrals can be made to, or complaints lodged 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.