



How We Use Your Information Privacy Notice for Older Pupils

The Downs Malvern

January 2024

Introduction

This notice is to help you understand **how** and **why** we collect your personal data and **what** we do with that information. It also explains the decisions that you can make about your personal data.

If you have any questions about this notice please talk to the schools Data Compliance Officer.

What is "personal data"?

Personal data is information about you.

This includes information such as your name, date of birth and address as well as things like exam results, medical details, unique pupil number and information about how well you behave. CCTV images, photos and video recordings of you are also your personal data.

Where we get your personal data from and who we share it with

We get your personal data from lots of different sources. For example, your teachers, parents, your old schools and any future school, other pupils and their parents. We might also get information from the government e.g. the local authority might give us information that we need to look after you.

Sometimes, we will also share information with these people and organisations, for example, we will tell your parents about how well you are doing at school.

Below, we give lots of examples of where we get your personal data from, and who we share it with.

Why we use your personal data and our lawful bases for doing so

The School uses your personal data to:

1. Teach you and other pupils.
2. Make sure that you and others are behaving properly.
3. Look after you and other people e.g. your friends.
4. Make sure that we comply with the law, are well managed and to protect our interests.
5. Advertise the School and tell people about the School and what we do here e.g. we may use photos of you in our prospectus, on our website or on social media.

We can only use your personal data if we have a good reason to do so. This is about having a "lawful basis" to use your personal data. Our lawful bases are as follows:

- **Legitimate interests:** This means that the School is using your personal data where this is necessary for the School's legitimate interests or someone else's legitimate interests.
 - Specifically, the School has a legitimate interest in:
 - educating and looking after its pupils;
 - complying with its agreement with your parents for you to be at the School;
 - investigating if something has gone wrong;
 - promoting and protecting the School; and

- making the School even better.
- This lawful basis only applies where our legitimate interests are not overridden by your interests, rights and freedoms. Legitimate interests applies to all of the 5 purposes listed above.
- **Public task:** This allows the School to use your personal data where doing so is necessary to perform a task in the public interest or to exercise one of our functions or powers as a school. This basis applies to purposes 1, 2, 3 and 4 above. For example, when we teach and look after you.
- **Legal obligation:** The School might need to use your personal data to comply with a legal obligation. For example, to report a concern about your wellbeing to Children's Services. Occasionally we may have a legal obligation to share your personal data with third parties such as the court.
- **Vital interests:** Although this won't happen very often, we may need to use your personal data to protect you or someone else. For example, to prevent someone from being seriously harmed or killed.

The section below contains more information about our purposes for using your personal data and the lawful bases.

Our purposes and lawful bases in more detail

This section gives you more information about why the School uses your personal data. Also where we get it from, who it is shared with, and which lawful bases apply. It does not say anything different to the sections above but goes into more detail.

We have used a colour coded system so that you can see which lawful bases we are relying on for each of the purposes described at paragraphs 1 to 50 below.

The letters highlighted in different colours below refer to the lawful bases. So **LI** means legitimate interests, **PI** means public task, **LO** means lawful obligation and **VI** means vital interests. So **(LI, PI)** means that we are relying on both legitimate interests and public task for that purpose.

- 1 The School's primary reason for using your personal data is to provide you and other pupils with an education (**LI, PI**).
- 2 The School will also use your personal data to safeguard and promote your welfare and the welfare of others (for example, so that we can look after you if you are hurt) (**LI, PI, VI**).
- 3 We use information about you during the admissions process e.g. when ensuring that any reasonable adjustments/suitable arrangements are made for you when you visit, marking your entrance exams and learning more about you from your parents before you join the School (**LI, PI**).
- 4 We may let your old school know if you have been offered a place at the School. This is because they have a legitimate interest in finding out what happens to their former pupils as this will help them support their other pupils when they leave the school (**LI**).
- 5 The admissions forms which your parents complete give us lots of personal data about you, such as, your name, contact details, disabilities, any particular difficulties you have

- with work, hobbies and interests, medical information (such as information about an allergy) and your family circumstances (LI, PI).
- 6 We get information from you, your parents, your teachers and other pupils. Your old school(s) also give us information about how well you did and any difficulties you had so that we can teach and take care of you (LI, PI).
- 7 Sometimes we get information from your doctors and other professionals where we need this to look after you (LI, PI).
- 8 We need to tell the appropriate teachers if you have a health issue and use your medical information to look after you (LI, PI).
- 9 We will need to tell your teachers if you have special educational needs or need extra help with some tasks (LI, PI).
- 10 We will need to share information about you (e.g. about your health and wellbeing) with the School doctor or counsellor (LI, PI, VI).
- 11 If we have information that you suffer from an allergy we will use this information so that we can look after you (LI, PI, VI).
- 12 If we have information that you have a disability we will use information about that disability to provide support for you, adjust our policies and take it into account when we make decisions (LI, PI).
- 13 Where appropriate, the School will have information about your religious beliefs or other beliefs and practices. For example, if you do not eat certain foods (LI, PI).
- 14 We may share information about you with (and get information from) hospitals and people such as doctors and nurses, for example, in relation to pupil immunisations. (LI, PI).
- We use CCTV to make sure the School site is safe. We may also use CCTV in relation to complaints and any incidents which take place on our sites (e.g. where pupils have been misbehaving or someone has been injured). Images captured of you via CCTV will be your personal data. CCTV is not used in private areas such as changing rooms (LI, PI).
- 15 We will use your personal data to make sure the school site and buildings are safe, for example, we keep a record of who is on the school at any given time (LI, PI).
- 16 We record your attendance and if you have time away from the School we record the reason(s) why (LI, PI).
- 17 We will need to share some information about you with the government (e.g. the Department for Education). We will also need to share your personal data with the local authority, for example, to tell them that you attend the School, if you leave the School or let them know if we have any concerns about your welfare. The local authority may also share information with us for these reasons (LI, LO, PI).
- 18 We may need to share information about you with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the School (LI, LO).
- 19 The School is a charity which means that we may need to share your personal data with the Charity Commission which checks how we are behaving as a charity. We may also

share your personal data with the Fundraising Regulator if this is relevant to their work (LI, PI, LO).

- 20 The School is sometimes inspected to make sure that we are continuing to be a good school. We will have to make your personal data available to the inspectors to help them to carry out their job (LI, PI, LO).
- 21 We will need information about any court proceedings, court orders or criminal matters that relate to you. For example, if one of your parents has to collect you from school on certain days. This is so that we can safeguard your welfare and wellbeing and the other pupils at the School (LI, PI).
- 22 If you are from another country we have to make sure that you have the right to study in the UK. Sometimes the government will ask us to provide information as part of our reporting requirements. In addition to this we have a duty to provide information about you to UK Visas and Immigration who are part of the government (LI, LO, PI).
- 23 Additionally, if you are sponsored by us under a Child Student or Student visa we will have to provide information about you to UK Visas and Immigration to comply with our duties as your sponsor (LI, LO, PI).
- 24 Depending on where you will go when you leave us we will provide your personal data to other schools, colleges and universities, UCAS or potential employers. Any references that we provide or receive will be treated as confidential which means that you will not usually be provided with a copy (LI, PI).
- 25 If we hold safeguarding or child protection information about you, we will share that with your next school (LI, PI, LO).
- 26 We may pass on information to your next school which they need to look after you, for example, information about any concerns we have had about your welfare (LI, LO, PI).
- 27 We will provide your personal data to the local authority so that they can provide careers advice. We may also share your personal data with the provider of youth support services (LI, PI).
- 28 If someone makes a complaint about how the School has behaved we may need to use your personal data to deal with this appropriately. For example, if your parents complain that we have not looked after you properly (LI, PI).
- 29 If one of your teachers hasn't done their job properly and this has affected you, we may need to use your personal data to investigate. We might also have to share your personal data with the government and regulators if they become involved, for example, if they need to decide if the teacher should be able to teach anymore (LI, PI, LO).
- 30 The School may share information about you with the local authority for the purpose of the preparation, implementation and / or review of your Education Health and Care Plan (LI, PI, LO).
- 31 We may use your personal data in connection with legal disputes (LI, PI, LO).
- 32 We may need to share information about you with the police (and with others who do a similar job to the police) and/or our legal advisers, if something goes wrong or to help

with an enquiry. For example, if one of your classmates is injured at School or if there is a burglary (LI, LO, PI).

- 33 We use consultants, experts and other advisors to assist the School in fulfilling its obligations and to help run the School properly. We will share your personal data with them if this is relevant to their work (LI, PI).
- 34 If you have misbehaved in a serious way, we may need to share your personal data with the police (and/or other law enforcement agencies) and we may need to use information about the action taken by them (LI, LO, PI).
- 35 We may share some information with our insurance company to make sure that we have the insurance cover that we need, or in connection with an actual or possible claim (LI, PI).
- 36 If the School is dealing with a request for information, query, or complaint, we may need to share your personal data with the other people involved, such as, other pupils and their parents (LI, PI).
- 37 Parents who are based outside of the UK will sometimes choose someone to act on their behalf during the admissions process (an overseas agent). If this applies to you, your parents may provide information to the overseas agent so that he or she can pass this on to the School. The School will sometimes share information with the overseas agent, for example, we may send them the letter telling your parents that we are offering you a place so that they can pass this on to your parents (LI).
- 38 We will share information about your academics (e.g. progress in lessons) and (where fair) information about your behaviour with your parents [• or education guardian] so they can support your schooling (LI, PI).
- 39 If you have behaved badly in relation to one of your classmates (e.g. we suspect bullying) then we might share information with that pupil's parents (e.g. what sanction you have been given) (LI, PI).
- 40 If ever in the future, we are considering restructuring the charity which operates the School, we may share your personal data with the other parties involved and with the relevant professional advisors (LI).
- 41 We will monitor your use of school email, the internet and any internet based platform and mobile electronic devices e.g. iPads.
- 41.1 In certain circumstances we will look at the content of your messages (e.g. emails and text messages) and your electronic devices. We monitor and look at your use of technology (e.g. your use of your phone) to check that you and your classmates are not misbehaving or at risk of harm, or for other good reasons.
- 41.2 If you would like more information about this, you can speak to your form tutor. Some of the monitoring we do is carried out using computer software which will automatically tell us if something isn't right. (LI, PI).]

Photos and Videos

- 42 You might have seen that the School regularly publishes photos and images (including videos) of our pupils. If we obtain a photo or image (including a video) of you, we might put this on our website, on our social media pages or in our promotional material, e.g.

our prospectus. We do this to show prospective pupils what we do here and to advertise the School (LI).

- 42.1 We may continue to use these photos and videos after you have left the School (LI).
- 42.2 If we would like to use a photo or video in a more unusual or high profile way (e.g. on a banner or billboard) we will ask for your permission first.
- 42.3 Sometimes we use photos and videos for teaching purposes, for example, to record a drama lesson (LI, PI).
- 42.4 Photos or videos of you may be posted on Malvern TV where they will be accessible to staff and pupils. Some events are live-streamed with links to the event being made available to parents and sometimes to other schools. We will ask your permission before doing this (LI).
- 42.5 Your HouseM may include pictures of house events in regular newsletters sent to parents and these may also be named (LI).
- 42.6 If you have concerns about us using photos or videos of you please speak to your form tutor.
- 43 We may use your personal data to help make the School better. For example, after you have left the School we might send you information about how you can donate to the bursary fund (LI). For more information, please see the Downians Website: <https://www.downians.org/>
- 44 We publish sports fixtures and other news on the website and put articles and photos in the local news to tell people about what we have been doing (LI).
- 45 We will keep your contact details when you leave so we can keep you updated about what is happening at the School, to tell you about events and activities and find out how you are getting on. We may also pass your details onto the alumni organisation which is called the Downian Society. Further information on the Downian Society can be found here <https://www.downians.org/> (LI). For more information about how we use your personal data after you have left the School please see the Downian Society Privacy Notice here: <https://www.downians.org/documents/DataProtection-23-06-2018.pdf>
- 46 We must make sure that our computer systems are working well and are secure. This may involve information about you, for example, our anti-virus software might scan files containing information about you (LI).
- 47 Sometimes we hire someone from outside of the School to provide activities. For example, this could be a teacher who does not normally work for the School or it could be a company that provides outdoor activities. We may share your personal data with them, for example, to tell them what sports you are good at (LI, PI).
- 48 Some of the records the School keeps and which contain your personal data may be used by the School (or by someone else such as the government) to check that the School has been a good school (LI, PI).
- 49 We also keep some information forever for archiving purposes and for historical research purposes. This includes the School's legitimate interest in keeping a record of what the School was like in the past.

- 49.1 For example, we keep some old photos so that we have a record of what the School was like in the past as this helps get people interested in the School's history.
- 49.2 Information held in our archive may be made publicly available but this would only be done in compliance with data protection laws. Please speak to your form tutor if you would like more information (LI, PI).
- 50 We will share your personal data with the governors of the School if it concerns something they should know about or the information will enable them to fulfil their role as a governor. For example, this will apply if you have done something really well or if there is a problem at the School they need to know about (LI, PI).

We will only share your personal data with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally. Anyone that we share information with may give us information about you as well.

As you will see from the information above, in some cases we will rely on more than one lawful basis for using your personal data.

We use service providers to handle personal data on our behalf for the following purposes:

- a) IT consultants who help run the School's computer systems. For example, they might need to access a file containing personal data when investigating a fault or checking the security of our IT network;
- b) Caterers may have information about any food allergies or intolerances that you have;
- c) We use software, apps and websites to help us with teaching, and to help us provide pastoral support to you and your classmates. We use the Microsoft 365 Office apps including Teams and OneNote which allow you to access work which has been set by your teachers and to collaborate online; and
- d) We use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the School site.

If you have any questions about any of the above, please speak to your form tutor.

Consent

We may sometimes ask for your consent to use your personal data. For example, we may ask for your consent to send you information about a fundraising event by email.

If we ask for your consent to use your personal data you can take back this consent at any time. But any use of your personal data before you withdraw your consent remains valid. Please speak to your form tutor if you would like to withdraw any consent that you have given.

Sending information to other countries

When the School sends personal data outside of the UK, we have to consider whether your personal data will be kept safe. Some countries are considered by the UK Government to have adequate rules and this includes all of the European Union and some other countries, such as, New Zealand, Norway, Switzerland and Argentina.

The School sends your personal data to countries with adequate rules when we:

- Go on a trip to France and share your personal data with activity providers and the hotel; and
- Store your personal data in cloud computer storage with servers in Ireland.

In certain circumstances, we may send your personal data to countries which do not have the same level of protection for personal data as there is in the UK. For example, we may:

- Store your personal data in cloud computer storage with servers in the USA; and

We will provide you with additional details about where we are sending your personal data, whether the country has an adequacy finding and if not the safeguards which we have in place outside of this privacy notice.

If you have any questions about the safeguards that are in place please contact Steve Cragg the Data Compliance Officer (dataprotection@malverncollege.org.uk).

For how long do we keep your personal data?

We keep your personal data for as long as we need to in order to educate and look after you. We will keep a lot of information after you have left the School, for example, so that we can find out what happened if you make a complaint.

In some cases we may keep your personal data for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

Our Information and Records Retention Policy contains more detailed information. You can consult the Data Compliance Officer about this.

What decisions can you make about your personal data?

- **Correction:** if personal data the School holds about you is incorrect or incomplete you can ask us to correct it.
- **Access:** you can also ask what personal data we hold about you and to be provided with a copy. This is commonly known as making a subject access request. We will also give you extra information, such as why we use this information about you, where it came from and who we have sent it to.
- **Deletion:** you can ask us to delete the personal data that we hold about you in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your personal data to you or to a third party in a format that can be read by computer in certain circumstances.
- **Restriction:** you can request that we restrict how we use your personal data in certain circumstances. Please contact your form tutor if you would like to know more.
- **Object:** you may object to us using your personal data where:
 - we are using it for direct marketing purposes (e.g. to send you an email about a fundraising opportunity);
 - the lawful basis on which we are relying is either legitimate interests or public task. Please see the section "Our lawful bases for using your personal data" above;
 - if we ever use your personal data for scientific or historical research purposes or statistical purposes.

Your form tutor can give you more information about your data protection rights. Please note that these rights don't apply in all cases and we won't always have to comply with your request. For example, if we keep a record because we are worried about you then we will usually need to keep this for a while even if you object.

Further information and guidance

Your form tutor can answer any questions which you might have.

Like other organisations we need to keep your personal data safe, up to date, only use it for what we said we would, destroy it when we no longer need it and most importantly - treat the information we get fairly.

Please speak to your form tutor or another member of staff if:

- you would like to exercise any of your rights listed above; or
- you would like us to update the information we hold about you; or
- you have any concerns about how your personal data is used or shared.

The Data Compliance Office, Mr Steve Cragg, is in charge of the School's data protection compliance. You can ask your form tutor to speak to the Data Compliance Lead Officer or speak to him yourself. Alternatively, you can ask your parents to speak to us on your behalf if you prefer.

If we ask you to tell us something and you do not do so then this may make it more difficult for us to teach and look after you and others.

You have a right to make a complaint to the Information Commissioner's Office (ico.org.uk). The ICO is the data protection regulator which means that they enforce the rules that we have to obey.

If you have any concerns about how we have handled your personal data, we would kindly ask that you tell us first before you speak to the ICO so that we have an opportunity to put things right.

Date: January 2024

Owner: Steve Cragg, Data Compliance Off

