



How We Use Your Child's Information

Privacy Notice for Younger Pupils

The Down's Malvern

January 2024

Introduction

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

We are giving you this notice because you are able to exercise your child's data protection rights on their behalf. When your child is older (usually when they reach the age of 12) they will usually be considered to have enough understanding to exercise their own data protection rights.

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

What is "personal data"?

Personal data is information that the School holds about your child and which identifies your child (either directly or indirectly).

This includes information such as their date of birth and address as well as things like exam results, medical details and behaviour records. CCTV images, photos and video recordings of your child are also personal data.

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

Your child's personal data comes from a number of different sources. For example, the School's admissions forms, our teachers, you, your child's previous 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 your child.

We will also share information with these people and organisations.

The sections below contain further information about where we get your child's personal data from and with whom it is shared.

The purposes for which we use your child's personal data and the lawful bases

The School uses your child's personal data to:

1. Teach your child and our other pupils;
2. Monitor the behaviour of your child and others and to take action where appropriate;
3. Look after your child and other people e.g. your child's friends;
4. Enable the School to comply with its legal obligations, to assist in the management and operation of the School and to advance and protect the School's interests, objects and reputation; and
5. Fundraise, market and promote the School. For example, by using photos of our pupils in the School prospectus, on the School's website or on social media.

Under data protection law, the School can only use personal data if it has a lawful basis for doing so. The lawful bases that we are relying on when handling your child's personal data are as follows:

- **Legitimate interests:** This means that the School is using your child's 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 you for your child to be at the School;
 - investigating if something has gone wrong;
 - protecting, promoting and improving the School
- This lawful basis only applies where our legitimate interests are not overridden by your child's interests, rights and freedoms. Legitimate interests applies to all of the 5 purposes listed above.
- **Public task:** This allows the School to use personal data where doing so is necessary in order 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 your child.
 - **Legal obligation:** The School might need to use your child's personal data in order to comply with a legal obligation. For example, to report a safeguarding concern to Children's Services. Occasionally the School may have a legal obligation to share your child's personal data with third parties such as the court.
 - **Vital interests:** In limited circumstances we may use your child's personal data to protect your child's vital interests or the vital interests of 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 child's personal data and the lawful bases.

Our purposes and lawful bases in more detail

This section contains more detail about the purposes for which your child's personal data is used, the applicable lawful basis or bases as well as further information about sources and recipients. It does not say anything different to what's set out above but goes into more detail.

We have used a colour coded system so that you can see which bases we are relying on for each of the purposes described at paragraphs. **LI** means legitimate interests, **PI** means public task, **LO** means legal 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 Our main reason for using your child's information is to provide your child and other pupils with an education **(LI, PI)**.
- 2 The School will also use your child's personal data to safeguard and promote your child's welfare and the welfare of others (for example, so that we can look after your child if they are hurt) **(LI, PI, VI)**.
- 3 We will use information about your child during the admissions process e.g. when marking entrance exams and considering any information provided on the registration form **(LI, PI)**.
- 4 We may let your child's previous school know if they 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 you complete give us personal data about your child, such as, their name, contact details, disabilities, learning disabilities, any particular

- difficulties they have with work, hobbies and interests, medical information (such as information about an allergy) and their family circumstances (LI, PI).
- 6 We get information from your child, his / her teachers and other pupils. Your child's old school also gives us information about how well your child did and any difficulties they had if we need this information to teach and take care of them (LI, PI).
- 7 Sometimes we get information from your child's doctor and other professionals where we need this to look after your child (LI, PI).
- 8 We need to tell all appropriate members of staff if your child has a health issue and use their medical information to look after them (LI, PI).
- 9 We will tell your child's teachers if he or she has special educational needs or requires extra help with some tasks (LI, PI).
- 10 We will need to share information about your child (e.g. about their health and wellbeing) with the School doctor or counsellor (LI, PI, VI).
- 11 If we have information that your child suffers from an allergy we will use this information so that we can look after your child (LI, PI, VI).
- 12 If we have information that your child has a disability we will use information about that disability to provide support for your child, adjust our policies and take it into account when we make decisions (LI, PI).
- 13 Where appropriate, the School will have information about your child's religious beliefs or other beliefs and practices. For example, if your child does not eat certain foods (LI, PI).
- 14 We use CCTV to make sure the School site is safe. Images captured of your child via CCTV will be your child's personal data. CCTV is not used in private areas such as changing rooms (LI, PI).
- 15 We will use your child's personal data to take other steps 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 may share information about your child with (and get information from) health authorities, providers of healthcare services and healthcare professionals, for example, in relation to pupil immunisations. (LI, PI).
- 17 We record your child's attendance and if he or she has time away from the School we record the reason(s) why (LI, PI).
- 18 We will need to share some of your child's information with regulators and with the government (e.g. the Department for Education). We will need to tell the local authority that your child attends the School, if your child leaves the School or let them know if we have any concerns about your child's welfare. The local authority may also share information with us for these reasons (LI, LO, PI).
- 19 We may need to share information about your child with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the School (LI, LO).

- 20 The School is a charity which means that in exceptional circumstances we may need to share your child's personal data with the Charity Commission e.g. in the event of a serious incident (LI, LO, PI).
- 21 When we are inspected by the Independent Schools Inspectorate we will have to make your child's personal data available to the inspectors to assist them with their inspection (LI, LO, PI).
- 22 If the School receives a complaint or grievance that involves your child we will need to use their personal data to deal with this appropriately. For example, if you make a complaint or if another parent complains about an issue which involves your child (LI, PI).
- 23 The School may share information about your child with the local authority for the purpose of the preparation, implementation and / or review of your child's Statement of Special Educational Needs or Education Health and Care Plan (LI, PI, LO).
- 24 We may use your child's personal data in connection with legal disputes (LI, PI, LO).
- 25 We are legally required to provide the Department for Education with certain information about your child. Some of this information will be stored on the National Pupil Database. Organisations can request information from the National Pupil Database which includes information about your child. But they are only allowed to do this for limited purposes and they must be very careful about how they use your child's personal data. More information can be found here - <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information> (LO).
- 26 We will need information about any court proceedings, court orders or criminal petitions that relate to your child. This is so that we can safeguard your child's welfare and wellbeing as well as other pupils at the School (LI, PI).
- 27 If your child is from another country we have to make sure that they 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 your child to UK Visas and Immigration who are part of the government (LI, LO, PI).
- 28 Additionally, if your child is sponsored by us under a Child Student or Student visa we will have to provide information about them to UK Visas and Immigration to comply with our duties as their sponsor (LI, LO, PI).
- 29 Depending on where your child will go when they leave us we will provide their information to other schools and colleges. For example, we will share information about your child's exam results and provide references. Any references that we provide will be confidential which means that you might not be provided with a copy (LI, P).
- 30 If we hold safeguarding or child protection information about your child, we will share that with your child's next school (LI, PI, LO).
- 31 If your child has a safeguarding file, we are legally required to pass this file to their next school (LI, LO, PI).
- 32 We may need to share information with the police (and/or other law enforcement agencies) and/or our legal advisers if something goes wrong or to help with an inquiry.

- For example, if one of your child's 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 child's information with them if this is relevant to their work (LI, PI).
- 34 If your child has misbehaved in a serious way, we may need to share information with the police (and/or other law enforcement agencies) and we may need to use information about the action taken by the police (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, complaint or grievance (e.g. from a parent), we may need to share your child's information with other parties if it is relevant and appropriate to do so. For example, with the appropriate staff, pupil or parent involved and governors (LI, PI)
- 37 If one of your child's teachers is subject to an internal disciplinary case and this has affected your child, we may need to use your personal child's personal data to investigate. We may also need to share your child's personal data with the government and regulators if they become involved, for example, if they need to make a decision regarding the teacher's ability to teach (LI, PI, LO).
- 38 If you are based outside of the UK and have appointed an agent to act on your behalf during the admissions process (an overseas agent), then we may share information about your child with them. For example, we may send them the acceptance letter so that they can pass this on to you (LI).
- 39 We will share your child's academic and (where fair) their behaviour records with you [• or their education guardian] so you can support your child's schooling (LI, PI). If your child has behaved badly in relation to one of their classmates (e.g. we suspect bullying) then we might share information with that pupil's parents (e.g. what sanction your child has been given) (LI, PI).
- 40 If ever in the future, we are considering restructuring the charity which operates the School, we may share your child's personal data with the other parties involved and with the relevant professional advisors (LI).
- 41 We will monitor your child's use of email, the internet and any internet based platforms, as well as mobile electronic devices e.g. iPads.
- 41.1 In certain circumstances we will look at the content of your child's communications (e.g. emails and text messages) and their electronic devices. This is to check that your child is not misbehaving when using this technology or putting themselves at risk of harm.
- 41.2 If you would like more information about this speak to Head of e-Safety. 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 The School regularly publishes photos and images (including video recordings) of our pupils. If we take a photo or video of your child, we might put this on our website, on our social media page(s) or in our prospectus. We do this to show prospective pupils and parents what we do here and to advertise the School (LI).
- 43 We will continue to use these photos and videos after your child has left the School (LI, PI).
- 44 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 your permission about this first.
- 45 Sometimes we use photos and videos for teaching purposes, for example, to record a drama lesson (LI, PI).
- 46 If you have any concerns about us using photos or videos of your child please speak to your child's form tutor.
- 47 We publish our 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).
- 48 We will keep your child's contact details when they leave so we can keep them updated about what is happening at the School, to tell them about events and activities and find out how they are getting on. We may also pass their details onto the alumni organisation which is called The Downian Society. Further information on the alumni association can be found here www.downians.org (LI).
- 49 The School must make sure that its computer systems are working well and are secure. This may involve information about your child, for example, our anti-virus software might scan files containing information about your child (LI).
- 50 We may share your child's personal data with the other schools in the group. For example, how well your child has behaved and their test results] (LI, PI).
- 51 From time to time, we hire a third party to provide activities such as an external sports coach. We may share your child's personal data with them, for example, to tell them what sports they are good at (LI, PI).
- 52 Some of the records the School keeps and which contain your child's 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).
- 53 We also keep some information indefinitely for archiving purposes (this is known as "archiving in the public interest" under data protection law) and for historical research purposes.
- 53.1 This includes the School's legitimate interest in research; supporting long-term accountability; enabling the discovery and availability of the School's and the wider school community's identity, memory, culture and history; enabling the establishment and maintenance of rights and obligations and of precedent decisions; educational purposes; and commercial and non-commercial re-use.
- 53.2 For example, we keep some old photos so that we have a record of what the School was like in the past.

53.3 Information held in our archive may be made publicly available but this would only be done in compliance with data protection laws (LI, PI).

54 We will share your child's personal data with the governors of the School if it concerns something they should know about or which will enable them to fulfil their role as a governor. For example, this will apply if your child has 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 child's 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 your child 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 child's personal data.

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

- a) IT consultants who might access information about you when checking the security of our IT network;
- b) caterers may have information about any food allergies or intolerances that your child has;
- a) we use software, apps and websites to help us with teaching, and to help us provide pastoral support to our pupils. For example, we use an app which allows pupils to access homework which has been set by their teachers; and
- b) 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 child's form tutor.

Consent

We may ask for your consent to use your child's personal data in certain ways as an alternative to any of the lawful bases above (e.g. LI or PI). 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 teacher 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 if the other country has the same level of protection for personal data as there is in the UK. 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 child's personal data to countries with adequate rules when we:

- go on a trip to France and share your child's personal data with activity providers and the hotel; and
- store your child's personal data in cloud computer storage with servers in Ireland.

In certain circumstances, we may send your child's 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 child's 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 child's 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 the Data Compliance Officer.

For how long do we keep your child's information?

We keep your child's personal data for as long as we need to in order to educate and look after them. We will keep a lot of information after your child has 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 child's 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.

What decisions can you make about your child's personal data?

- **Correction:** if personal data held by the School about your child is incorrect or incomplete you can ask us to correct it.
- **Access:** you can also ask what personal data we hold about your child 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 personal data about your child, 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 your child in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your child's 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 child's personal data in certain circumstances. Please contact your child's form teacher if you would like to know more.
- **Object:** you may object to us using your child's 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 "The purposes for which we use your child's personal data and the lawful bases" above;
 - If we ever use your child's personal data for scientific or historical research purposes or statistical purposes.

The Data Compliance Lead Officer can give you more information about your child's 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.

Further information and guidance

The Data Compliance Officer can answer any questions which you might have.

Like other organisations we need to keep your child's 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 personal data we get fairly.

Please speak to the Data Compliance Lead Officer if:

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

If you or your child fails to provide certain information when requested, we may not be able to perform our obligations under the contract we have entered into with you. We may also be prevented from complying with our legal obligations (such as to ensure the welfare of your child and their classmates). Failing to provide information may also adversely affect the education and care we are able to provide to your child.

You have a right to make a complaint to the Information Commissioner's Office (ico.org.uk). If you do have any concerns about how we have handled your child's personal data we would kindly ask that you contact us in the first instance before you speak to the ICO so that we have an opportunity to put things right.

Date: January 2024

Owner: Steve Cragg