



# THE DOWNS

## MALVERN

### PRIVACY NOTICE GUARDIANS OR CARERS

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

In order to carry out its ordinary duties to staff, pupils and parents, the School may process a range of personal data about current, past and prospective parents 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 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.

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

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- 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 activity;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law;
- 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 the School's IT and communications systems in accordance with the School's Policy on the Acceptable use of ICT and e-Safety;
- 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

- For security purposes, including CCTV in accordance with the School's CCTV policy; and
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School.

## **TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL**

This includes:

- names, addresses, telephone numbers, email addresses and other contact details
- communication record (letter, email or SMS)

## **HOW THE SCHOOL COLLECTS DATA**

Generally, the School receives this data from the pupil's parents. This may be via a form, or simply in the ordinary course of interaction or communication (such as email or telephone conversations).

## **WHO HAS ACCESS TO PERSONAL DATA AND WHO THE SCHOOL SHARES IT WITH**

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). 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). Guardians and Carers 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 Safeguarding Policy. Finally, in accordance with 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 WE KEEP PERSONAL DATA**

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. Personal data of Guardians or Carers held by the School is closely linked with the pupil record and will be deleted approximately 7 years after the pupil has left the School. Where technically feasible, the contact data will be deleted at the time the pupil leaves the School or when the individual ceases to act as Guardian or Carer. Incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. In view of the ongoing Inquiry into Child Sexual Exploitation, the School is adopting a cautious approach to the destruction of pupil and staff records. It should also be

noted that fully-selective deletion of data from the School's Management Information Systems may not always be possible for technical reasons. 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 Headmaster [asc@thedowns.malcol.org](mailto:asc@thedowns.malcol.org).

However, please bear in mind that the School may have lawful and necessary reasons to hold on to some data.

## **YOUR RIGHTS**

Individuals have various rights under 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. Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organization, or who has some other objection to how their personal data is used, should put their request in writing to the Headmaster, Mr Alastair S Cook.

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 you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it. You 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.

## **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 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. an employment or parent contract, or because a purchase of goods, services or membership of an organization such as an alumni or parents' association has been requested).

## **DATA ACCURACY AND SECURITY**

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 [hmpa@thedowns.malcol.org](mailto:hmpa@thedowns.malcol.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 or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the School may need to process your data, of who you may contact if you disagree. The School will take appropriate technical

and organizational 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 POLICY**

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**

Any comments or queries on this policy should be directed to the Headmaster. If a Guardian or Carer believes that the School has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the School Complaints Procedure for Parents and should also notify the Data Compliance Officer: [dataprotection@malcol.org](mailto:dataprotection@malcol.org).

You can also 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.

Alastair S Cook  
Headmaster  
May 2018