

How we use your information Privacy Notice

Independent Boarding School for Girls

St Teresa's School
May 2018

Next review: May 2019

INTRODUCTION

St Teresa's School is an independent day school constituted as a charitable company registered under charity number **1095103**, and as a company limited by guarantee under company number **04509623**. The objects of the charity are the provision and conduct in or near Effingham of a day School and Nursery for girls and boys.

St Teresa's is required to process personal data and as such is a data controller for the purposes of data protection legislation including the General Data Protection Regulation (EU 2016/679) ("GDPR") and the UK Data Protection Act 2018. In accordance with such legislation each data controller should have, provide and maintain its own Privacy Notice and comply with the relevant legislation regarding the handling of personal data.

This Privacy Notice is intended to cover the data processing of St Teresa's School Effingham Trust.

WHAT THIS PRIVACY NOTICE IS FOR

This privacy notice is intended help you understand how and why we collect personal information. It explains how and why the School will use (or "process") personal data about individuals including: its current, past and prospective staff and pupils; the pupils' parents, carers or guardians (referred to in this policy as "parents") and its trading clients.

This information is provided in accordance with the rights of individuals under Data Protection Law to understand how their data are is used. Staff, parents, pupils and clients are all encouraged to read this Privacy Notice and understand the School's obligations to its wider community.

This Privacy Notice applies alongside any other information the School may provide about a particular use of personal data, for example when collecting data in paper form.

This Privacy Notice is in addition to the School other relevant terms and conditions and policies, including:

- any contract between the School;
- the School's policies and procedures on taking, storing and using images of children;
- the School's CCTV policies and procedures;
- the School's retention of records, policies, guidelines and procedures;
- the School's safeguarding, pastoral, or health and safety policies, including how concerns or incidents are recorded; and
- the School's ICT policies, including Acceptable Use policies;

Anyone who works for, or acts on behalf of, the School (including staff, volunteers, governors and service providers) should be aware of and comply with this Privacy Notice. This notice provides information about how personal data about individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

The School has appointed the Director of Compliance and Operations, Mrs V Low, to be responsible for regulatory compliance in this area. She will deal with all your requests and enquiries concerning the School's uses of your personal data and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law. She can be contacted at v.low@st-teresas.com or c/o St Teresa's School, Effingham Hill, Surrey, RH5 6ST or by telephoning [01372 452037](tel:01372452037)

KEY TERMS

"**Data controllers**" means organisations, including independent schools, which determine how people's personal data is processed and for what purpose.

"**Data Subjects**" means any living individuals whose data the Data Controller processes.

"**Processing**" means any action in relation to that personal data, including filing and communication.

"**Individuals**" include current, past and prospective staff, pupils or parents.

"**Personal Data**" includes everything from which a Data Subject can be identified. It ranges from simple contact details via personnel or pupil files to safeguarding information, and encompasses opinions, file notes or minutes, a record of anyone's intentions towards that person, and communications (such as emails) with or about them.

Some categories of Personal Data are "**special category data**". These comprise data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; data concerning health or data concerning sexual orientation; and biometric data. Extra safeguards are provided by law for processing of such data.

KEY REQUIREMENTS OF THE GDPR

GDPR determines the six most important legal requirements for a Privacy Notice to be:

1. the identity and the contact details of the data controller (St Teresa's School);
2. details of any relevant person at the School to contact;
3. the purposes and legal basis for any processing at the School;
4. a list of legitimate interests, where relied upon;
5. anyone the data is passed onto, even in general terms; and
6. whether the data leaves the European Union (for example because of cloud storage).

WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, pupils, parents and clients, the School needs to process a wide range of personal data about individuals as part of its daily operation. Some of these School activities will need to carry out in order to fulfil its legal rights, duties or obligations which including those under a contract with its staff, or parents of its pupils, or clients. 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 "**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 to monitor the pupils' progress and educational needs;
- For the purposes of keeping in touch with parents, alumni and other members of the school community to keep them updated about the activities of the School, including by sending updates and newsletters, by email and by post;
- To maintain relationships with alumni and the School and wider 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 (such as tax)
- To enable relevant authorities to monitor the School's performance;
- To enable staff recruitment, staff performance monitoring and the giving and receiving of references for past, current and prospective new members of staff;
- 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, including cognitive ability testing, 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 use of the IT and communications systems in accordance with the School's IT: acceptable use policy;
- To make use of photographic images of pupils in School publications, including emailed newsletters, on the School website and (where appropriate) on the School's social media channels in accordance with the School's policy on taking, storing and using images of children;
- For security and safeguarding purposes, including CCTV in accordance with the School's relevant policies;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation processes;
- Where otherwise reasonably necessary for any of the School's purposes, including to obtain appropriate professional advice and insurances.

In addition, the School will on occasion need to process **special category personal data** or criminal records information (such as 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 reasons will include:

- To safeguard pupils' and staff 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: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers (Harrisons) or organisers of School trips who need to be made aware of dietary or medical needs;
- To provide educational services in the context of any special educational needs of a pupil;
- To provide spiritual education in the context of any religious beliefs;
- In connection with employment of its staff, for example DBS checks;
- To run any of its systems that operate CCTV, such as for security and other forms of pupil or staff identification;
- As part of any School or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection and health and safety) and to comply with its legal obligations and duties of care.

LEGITIMATE INTERESTS

Legitimate interests, and not consent, will be the primary legal condition the School relies on for processing most pupil and alumni data. It will also be highly likely to apply to other types of personal data (staff and parent) processed by schools, although where the School has a direct contract with an individual (e.g. an employee, client, contractor or parent) then there may also be a contractual basis to process that individual's data.

However, neither contractual grounds nor legitimate interests will be sufficient to process sensitive or "special category" personal data. This will usually require explicit consent to process, except where the School is acting under a statutory right or obligation (e.g. concerning

employment or safeguarding) or if particular rare and urgent grounds exist (e.g. preventing or detecting a crime, working with social services, or acting to protect someone's vital interests to protect them from imminent harm).

WHEN THE ST TERESA'S SCHOOL WILL SEEK TO OBTAIN CONSENT

1. Direct Marketing: this includes communications promoting the "aims and values" of the School as well as communications about fundraising, with strict consent rules where it is sent by electronic means (e.g. email or SMS) or if the School wants to make marketing calls to parents or alumni.
2. Examination Results: The school will separately inform pupils and parents (and provide an opportunity to raise any objections) where it intends to publish exam results other than on an anonymous basis (e.g. if released to the media).
3. Monitoring emails, internet and telephone usage: Strict rules apply to monitoring of pupil internet use, emails and calls. KCSIE prescribes that schools have in place appropriate filtering and monitoring for the purpose of safeguarding, this will not be used as a basis to allow casual or routine interception of communications, notably calls and messaging. However, monitoring may become justifiable in certain circumstances in compliance with KCSIE.
4. Unexpected or intrusive uses of images of pupils: certain uses, such as CCTV or school photography for use in the School's own "community" media (e.g. its publications, including emailed newsletters and the intranet), including where individuals are clearly identifiable from the photograph, and sometimes named, are considered to be part of the contractual and legitimate interest of the School. However, should an individual not wish to be included in such usage, they should make this known to the School and those wishes will be respected.

Sometimes, external media usage may be better dealt with by consent: especially where a child is identified by name or especially prominently featured.

Please remember that, once given, consent may be withdrawn at any time. If you wish to discuss how the School used your data, including images, are used, please contact the Director of Compliance and Operations at v.low@st-teresas.com or c/o St Teresa's School, Effingham Hill, Surrey, RH5 6ST or by telephoning 01372 452037

TYPES OF PERSONAL DATA PROCESSED BY ST TERESA'S SCHOOL

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details;
- 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 academics, employment or safeguarding;
- where appropriate, information about an individual's health and welfare, and contact details for their next of kin;
- references given or received by the School about pupils or staff, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils or staff;
- 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;
- A pupil photograph will be used in the School Management System; and
- Alumni data.

HOW THE ST TERESA'S SCHOOL COLLECTS DATA

Generally, the School receives personal data from the individual directly (including, in the case of pupils, from their parents). This may be via a paper 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 (for example another school, or other professionals or authorities working with that individual); or collected from publicly available resources.

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

The School will need to share personal information relating to its community with third parties, such as professional advisers (lawyers, insurers, PR advisers and accountants) or relevant authorities (HMRC, DfE, police or the local authority) or appropriate regulatory bodies (e.g. the ISI, the Charities Commission or the Information Commissioner's Office (ICO)) or relevant agencies (such as external data analysis organisations for the purposes of analysing examination results or cognitive ability testing).

For the most part, personal data collected by the School will remain within the School, and will be processed by appropriate individuals on a 'need to know' basis. Particularly strict rules of access apply in the context of:

- medical records
- pastoral or safeguarding files.

However, a certain amount of any SEN 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.

Staff, pupils and parents 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 is likely to include file notes on personnel or pupils, including the express wishes of the child and any court orders which may be in place 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.

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, within the UK and only in accordance with the School's specific directions.

DATA PROCESSING REGARDING EXTERNAL EXAMINATIONS

Examination results, outcomes of reviews of marking, reviews of moderation and appeals may be shared within an examination consortium, where such exists, and may be retained according to their policies. External examination results will be shared with external data analysis organisations for the purposes of results analysis. Where malpractice is suspected or alleged, then personal data may be shared with other awarding bodies, the qualifications regulator or professional bodies in accordance with JCQ policies, procedures and 'Information for Candidates - Privacy Notice'.

Information or evidence provided to support a request for special consideration may be shared with the relevant awarding body, will be retained in school and may be used to support any application to a further institution. Examination related data will be processed, retained and shared with educational bodies where necessary in order to provide an audit trail of the results certificated and to maintain an accurate record of an individual's achievements.

HOW LONG WE KEEP PERSONAL DATA

The GDPR does not fundamentally change the principles for length of document retention. It is still a question of relevance and purpose, as well as data security. It does, however, have stricter rules about use and storage of personal data generally with the practical effect of requiring more dynamic, efficient and secure storage systems.

St Teresa's School will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason.

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

If you have any specific queries about how our retention decisions are applied, or about the School's guidelines for the retention of data or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the v.low@st-teresas.com or c/o St Teresa's School, Effingham Hill, Surrey, RH5 6STor by telephoning 01372 452037. It is important to note that the School will often have lawful and necessary reasons to hold on to some personal data even following such request.

KEEPING IN TOUCH AND SUPPORTING THE SCHOOL

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:

- Share personal data about parents and/or alumni, as appropriate, with STOGA or FOST;
- Contact parents and/or alumni by post and email in order to promote and raise funds for the school and, where appropriate, other worthy causes;
- Collect information from publicly available sources about parents' and former pupils' occupation and activities, in order to maximise the school's marketing;
- Use personal data to develop and deliver a range of alumni services.

Should you wish to limit or object to any such use, or would like further information about them, please contact the Director of Compliance and Operations in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the School is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

YOUR RIGHTS

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the School. You may ask for it to be erased or amended or have it transferred to others, or for the School to stop processing it. This will be subject to certain exemptions and limitations. Request need to be made in writing to the Director of Compliance and Operations

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 of one month.

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations), or information which is subject to legal privilege (for example legal advice given to 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, nor share any confidential reference given by the School itself for the purposes of the education, training or employment of any individual.

Despite the "right to be forgotten", the school will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

Pupil requests

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 her behalf.

A person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's: for older pupils, the parent making the request may need to evidence their child's authority for the specific request.

Pupils at Senior School are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home; however, slightly younger children may, however, also be sufficiently mature to have a say in this decision, depending on the child and their circumstances.

Parental requests

It should be clearly 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 with or without reference to that pupil.

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 therefore 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). Examples where we do rely on consent are certain types of uses of images and certain types of marketing.

Whose rights?

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, for example, under the parent contract, or via paper forms. Parents and pupils should be aware that this is not necessarily the same as the school relying on strict consent.

Where consent is required there may be some cases where it is necessary or appropriate to seek the pupil's consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the child and age, the parents' rights at law or under their contract, and all the circumstances.

A parent has certain contractual and "duty of care" rights concerning how information about their child is used, and their right to receive it. This includes routine updates (e.g. a school report), or because a parent's legitimate interests are engaged in a particular instance. While this can be difficult in situations where parents are separated, for example, as a principle of family law each parent is entitled to the same information unless there is some specific court order or child protection provision to the contrary.

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.

Where a pupil seeks to raise concerns confidentially with a member of staff, e.g. a school nurse 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; for example 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 School's relevant policies, e.g. the ICT acceptable use policy and the school rules. Staff are under professional duties to do the same covered under the relevant staff policy.

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 notify an appropriate person within the School of any significant changes to important information, such as contact details, held about them. In the case of children attending the School, the appropriate person would be the school administration team, as applicable, for educational/ pastoral issues contact the Heads of Years or form teachers and the Bursar for financial issues. In the case of staff, the appropriate person would be their Line Manager. Former pupils should notify the Director of Compliance and Operations.

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 the School's systems. All staff and governors will be made aware of this privacy notice detailing their duties under Data Protection Law and will receive training as required.

REPORTING DATA BREACHES

Should a security incident take place, the School will quickly establish whether a personal data breach has occurred and, if so, promptly take steps to address it, including telling the Information Commissioner's Office (ICO) if required.

A personal data breach can be broadly defined as a security incident which has affected the confidentiality, integrity or availability of personal data. In short, there will be a personal data breach whenever any personal data is lost, destroyed, corrupted or disclosed; if someone accesses the data or passes it on without proper authorisation; or if the data is made unavailable and this unavailability has a significant negative effect on individuals. It can include a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data and can be the result of both accidental and deliberate causes. It is more than just about losing personal data. Breaches should be reported to the ICO if they will result in discrimination, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage. Such matters may separately require to be reported to the Charity Commission.

PUBLICATION AND PROVISION OF THE PRIVACY NOTICE

The school will make the Privacy Notice directly available to **new parents** and to **prospective parents/pupils** when they apply for a place at the school. The Privacy Notice will be drawn to the attention of **present pupils** directly at the beginning of each academic year. For school **leavers**, it will be important to remind them of the current Privacy Notice while collecting any relevant consents to stay in touch with them as alumni.

New staff will be provided with a copy of the Privacy Notice when joining, either as part of the offer of employment and/or with the employee handbook. For **new applicants** for jobs it is sufficient to provide a link to the relevant page of the website, although if applications are made online or via a written form then this should contain some explanation of what CVs and other information will be used for and how long the School will keep them.

Current parents, staff, governors and **new governors** will be provided direct access to the policy through firefly Staff handbook.

If the School wishes to keep a CV on file for a time in case a suitable role comes up in the future, this option should be provided to the applicant (which may be opt in or out) along with an indication of how long it will be kept on file.

An up-to-date version of the Privacy Notice will be made available on the School's websites, which will be reviewed and updated annually. Any substantial amends to the Privacy Notice will be provided directly to those affected within one month of starting processing.

THIS PRIVACY NOTICE

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 privacy notice should be directed to the Director of Compliance and Operations v.low@st-teresas.com or c/o St Teresa's School, Effingham Hill, Surrey, RH5 6ST or by telephoning [01372 452037](tel:01372452037)

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 Schools complaints / grievance procedure and should also notify the Director of Compliance and Operations. You can also make a referral, to or 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.