

Park School for Girls

Data Protection Policy



General statement of the duties of Park School for Girls Ltd.

Park School for Girls is the data controller. The 'school' means Park School for Girls.

This policy applies to personal information held and processed by Park School for Girls, and sets out its duties under the Data Protection Act 1998, including the duty of all its staff. It provides guidance on processing, retaining, security and disposal of all personal data held by Park School for Girls.

Park School for Girls is required to process personal data regarding pupils, their parents or guardians and staff as part of their operation, and shall take all reasonable steps to do so in accordance with this Policy and the principles of the Data Protection Act 1998 ('the DPA'), and the GDPR legislation and regulations introduced on 25th May 2018.

The school aims to have transparent systems for holding and processing personal data. Any reference to personal data in this policy includes reference to sensitive personal data. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data.

Any individual is entitled to request access to information relating to their personal data held on a relevant filing system by the school. A relevant filing system is any paper filing system or other manual filing system which is structured so that information about an individual is readily accessible. Personal data can be held in any format (electronic, paper-based, and photographic) from which the individual's data can be readily extracted

In this policy any reference to pupils includes current, past or prospective pupils

The Data Protection Act 1998

Park School for Girls has the responsibility to comply with the DPA. The DPA applies to information relating to both "personal" and "sensitive personal" data.

Personal Data means data relating to a living individual who can be identified from that data (or from that data and other information in possession of Park School for Girls). The school may process a wide range of personal data of pupils, their parents or guardians and staff, as part of their operation. To qualify as personal data, the data must allow you to identify and give information relating to a data subject. Personal data includes facts and any expression of opinion about an individual. Examples of personal data are: names and addresses; bank details; academic, disciplinary, admissions and attendance records; references; and examination scripts and marks.

Sensitive personal data is defined in the DPA as information in respect of racial or ethnic origin, political opinions, religious beliefs or "other beliefs of a similar nature", membership of a trade union, physical or mental health, criminal convictions and alleged offences. Sensitive personal data can only be processed under strict conditions, including a condition requiring consent of the person concerned to such processing.

In order to comply with the DPA the school must comply with the eight Data Protection Principles which state that personal data must be: Data Protection Policy –

Principle 1: Personal data will be processed fairly and lawfully.

The collection and disclosure of data is subject to scrutiny and is only 'lawful' if it meets at least one of the following criteria (as specified in Schedule 2 of the Act):

- With the consent of the data subject
- In performance of a contract (for example to process an application as part of the admissions process)
- If there is a legal obligation under the prevention of terrorism
- For the protection of the vital interests of the individual (for example to prevent injury or other damage to the health of the data subject)
- In the legitimate interest of the data protection controller, unless it is prejudicial to the interests of the individual (for example equal opportunities monitoring)

Personal data must meet all the following criteria in order to be processed fairly:-

- Data will only be collected from a person authorised to disclose it. If collected from a third party the data subject will be made aware of the use of the information
- Subjects will not be deceived or misled in any matters relating to the use of personal data.

In addition “Sensitive personal data” may only be processed if it meets at least one of the following criteria

- The data subject has given explicit consent
- It is necessary to meet requirements of employment law
- It is necessary to protect vital interests of the subject or another person
- The data subject has manifestly made the information public
- It is necessary for legal proceedings, obtaining legal advice or defending legal rights
- It is necessary for carrying out of official or statutory functions
- It is necessary for medical purposes
- It is necessary for equal opportunities
- It is necessary to comply with legislation from the Secretary of State

Principle 2: Personal data will be obtained only for one or more specified and lawful purposes

Data will not be further processed in any manner incompatible with the initial specified purpose or those purposes for which it was obtained. To satisfy the first principle (fair processing) the data subject(s) must not have been misled or deceived as to the reason(s) for processing

Principle 3: Data must be adequate, relevant and not excessive

Personal information, which is not necessary for the intended processing, must not be acquired, i.e. personal information cannot be collected just because 'it may be useful'.

Principle 4: Data must be accurate and up to date

Park School for Girls must ensure that there is a system in place to review data for accuracy and to ensure that it is up to date. Procedures must be in place to make any amendments requested by a data subject, or a record kept if the amendment is not considered appropriate.

Principle 5: Data must not be kept for longer than required for the purpose

Park School for Girls must indicate the length of time that data is to be in use and archived for any given purpose. This time period must be seen as justifiable for the particular purpose and in line with any legislation covering the processing.

Information should not be kept any longer than the time period indicated to the data subject. Park School for Girls must regularly review data held in order to assess whether information is still required. The Act recommends that Park School for Girls has a retention policy in place to ensure information is retained only for as long as is necessary.

The Data Protection Act recommends that Park School for Girls has a disposal policy in place to which all staff can refer when they need to dispose of personal information. A disposal record will assist Park School for Girls in responding to enquiries made under the Data Protection Act.

Before disposing of any data Park School for Girls will consider the following key points:

- Any legal requirements (e.g. possible negligence action).
- The length of any appeals procedure relating to the information.
- The number of times in the last two or three years that a particular type of record has been accessed.

Principle 6: Data must be processed in line with individual's rights

This is strongly linked to the first principle of fair and lawful processing. Data subjects have the right to know details of the processing and the right of access to personal information.

A data subject (including a member of staff) has the right to object to data processing relating to them which is likely to cause damage or distress to that data subject or another person. There are a number of provisos to this right, in particular:

- The damage or distress must result from unwarranted processing, or
- The data subject must not have given consent to the processing, or
- The processing is not necessary for the purposes of fulfilling a contract with the data subject; or for fulfilling a legal obligation of Park School for Girls, or for protecting the data subject's vital interests.

In addition the Act gives data subjects the right to object to processing used for the purpose of direct marketing and/or wholly automated decision making.

Data subjects have the right to have inaccurate data amended and to block future processing in cases of unlawful/unfair processing. Data Subjects must formally request their rights in writing and their rights are enforceable by the courts.

Principle 7: Data must be processed in a secure manner

Park School for Girls must guard against unauthorised and unlawful processing, e.g. access, alteration, disclosure or disposal. Appropriate security records must be kept in order to provide an audit trail. Personal information will, so far as possible, be:

- Kept in a locked filing cabinet;
- In a locked drawer;
- If it is computerised, be password protected; or encrypted
- Kept only on disk which itself is kept securely.

Please also be aware that Park School for Girls has an acceptable use policy for ICT, Mobile devices and social networking. This policy should be adhered to at all times.

When personal data is to be destroyed, paper or microfilm records will be disposed of by shredding or incineration; computer hard disks or floppy disks will be reformatted, over-written or degaussed.

Principle 8: Data shall not be transferred outside of the European Economic Area unless that country or territory ensures an adequate level of protection

If the Data is to be transferred to a country or territory that does not have adequate protection then at least one of the following conditions must be met:

- The data subject has given consent.
- It is necessary for the performance of a contract with the data subject.
- It is necessary for the performance of a contract that is in the interests of the data subject.
- The transfer is necessary for reasons of substantial public interest.
- The personal data is already on a public register.

- The transfer is necessary to pursue legal proceedings, legal advice or defending legal rights.
- It is in the vital interests of the data subject
- The Information Commissioner has approved the transfer on the grounds that it safeguards the rights and freedoms of the data subject.

Processing personal data

Processing of personal data includes obtaining, holding, recording, adding, deleting, augmenting, disclosing, destroying, printing or otherwise using data. Processing also includes transferring data to third parties.

- Consent may be required for the processing of personal data unless the processing is necessary for the school to undertake their obligations to pupils and their parents or guardians. Personal data, unless otherwise exempt from restrictions on processing under the DPA, will only be disclosed to third parties under the terms of this policy or otherwise with the consent of the appropriate individual.
- There are a number of exemptions in the DPA which allow disclosure of personal data to third parties, and the processing of personal data by the school and its employees, which would otherwise be prohibited under the DPA. The majority of these exemptions only allow disclosure and processing of personal data where specific conditions are met, namely:
 - a) the data subjects have given their consent;
 - b) to safeguard national security;
 - c) for the prevention or detection of crime;
 - d) to prevent serious harm to the data subject or a third party;
 - e) for the assessment of any tax or duty;
 - f) where it is necessary to exercise a right or obligation conferred or imposed by law upon the school (other than an obligation imposed by contract);
 - g) for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings);
 - h) for the purpose of obtaining legal advice

Use of personal data by the school

Personal data held about pupils will only be used for specific purposes allowed by law. The school holds personal data on its pupils, including: contact details, assessment/examination results, attendance information, behaviour, both positive and negative and characteristics such as ethnic group, special educational needs, any relevant medical information, and photographs.

The data is used in order to support the education of the pupils, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a whole is doing, together with any other uses normally associated with this provision in an independent school environment.

The school may make use of limited personal data (such as contact details) relating to pupils, their parents or guardians for fundraising, marketing or promotional purposes and to maintain relationships with pupils of the school.

In particular, the school may:

- Make available information to any internal organisation or association set up for the purpose of maintaining contact with students or fundraising for the school, i.e. Parents Association. The school will remain data controller and govern the use of data.
- Make use of photographs of students in school publication and on the website as set out in the parent photograph consent form
- Make personal data including sensitive data available to staff for planning curricular or extra-curricular activities
- Keep the students previous school informed of her progress or achievements

Photographs with names identifying pupils will not be published on the school website, etc. without the express permission of the appropriate individual.

Parents who do not want their child's photograph or image to appear in any of the school's promotional material, or be otherwise published, must also make sure their child knows this.

Pupils, parents and guardians should be aware that where photographs or other image recordings are taken by family members or friends for personal use, the DPA will not apply, e.g. where a parent takes a photograph of their child and some friends taking part in the school sports day. Parents or family members should seek permission to record events..

Disclosure of personal data to third parties

The school may receive requests from third parties (i.e. those other than the data subject, the school, and employees of the school) to disclose personal data it holds about pupils, their parents or guardians. This information will not generally be disclosed unless one of the specific exemptions under the DPA which allow disclosure applies; or where necessary for the legitimate interests of the individual concerned or the school.

The following are the most usual reasons that the school may have for passing personal data to third parties. to:-

- Give a confidential reference relating to a student
- Give information relating to outstanding fees or payment history to any educational establishment which it is proposed that the student may attend
- The school reserves the right to share personal information with credit reference agencies if the school deem this necessary

- Publish the results of public examinations or other achievements of pupils at the school.
- Disclose details of a pupils medical condition where it is in the pupils interests to do so, for example for medical advice, insurance or the organisers of school trips.
- To provide information to another educational institution to which the student is considering transferring to.
- To provide information to an examining authority as part of the examinations process
- To provide relevant information to a Government department ie DfES, ISA concerned with national education.

Data sharing agreements with third party organisations

We may have third party agencies offering guidance and support services to pupils on a 1:1 basis. Examples of such services include the Independent Careers Service (ISCO), Connexions and various 'counselling' services.

In normal circumstances many services of this type offer a confidential service to pupils and will only share data with the school or parents with the consent of the pupil (age 13) or in cases where an over-riding Duty of Care exists (e.g. if the pupil or someone else is in danger).

When such services are delivered on school premises, the school has the right to agree to the confidential nature of such a service or, alternatively, the school may insist that the service operates within the school policy on data handling. This latter approach places an expectation on the service to automatically keep the school informed of the content of sessions, held at the school, involving pupils.

Once the school has adopted a policy on the confidential nature or otherwise of such services, this policy should be made transparent to all parties concerned, including the 'service' the parents and the pupils. It is good practice to agree the approach to confidentiality from the outset to avoid incorrect assumptions being made by either party.

Photographs and videos

As part of our school activities, we may take photographs and record images of individuals within our school.

For students under the age of 13, we will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

We will obtain written consent from parents/carers, for photographs and videos to be taken of pupils for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where we don't need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used.

Uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

See our child protection and safeguarding policy for more information on our use of photographs and videos

Accuracy of personal data

The school will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the School in writing of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

Security of personal data

The school will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.

All staff are made aware of the Acceptable Use Policy which is separate to this document.

Right of access to Data

Under the DPA, individuals have a right of access to their personal data held by the school. Generally in the case of pupils under the age of 13 years, the person with parental responsibility may exercise this right on their behalf. Pupils aged 13 years and over can exercise this right themselves or may authorise their parents to act on their behalf.

A Subject Access Request (SAR) must be made in writing to the Bursar.

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them.

Subject access requests should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the DPC.

Responding to requests for access to records

The school will send a written response to the applicant acknowledging receipt of the application form. This must be done within 5 days of the request being received by the Service Desk.

The Headteacher must authorise the applicant's request for access before any information is disclosed.

Enforcement

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 School Complaints Procedure and should also notify the Bursar. The School 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