

PRIVACY NOTICE



St John's College, Cardiff

PRIVACY NOTICE

This policy applies to all three sections of the School: the Senior School, Junior School and EYFS (Infants). **Version: V.1**

This policy is reviewed at least annually by the Governing Body - The Board of Trustees, and was last reviewed in: **May 2018**

Introduction

St John's College is a registered charity and our registered charity number is 2114449. We take our responsibilities as a 'data controller' and 'data processor' seriously and are committed to using the personal data we hold in accordance with the law.

This notice is to help explain how and why we collect personal information and what we do with that information. It also explains the decisions that an individual may make about the personal information we hold about them.

This privacy notice provides detailed information about how we process personal data under the General Data Protection Regulations 2018 (GDPR). Please read it carefully and, if you have questions regarding your personal data or its use, please contact our HR Manager: Miss Nikki Thomas - nthomas@stjohnscollegecardiff.com

Where the term "parent" is used within the notice, it refers to any individual with parental responsibility over a pupil.

What is "personal information"?

'Personal information' is information that identifies any living individual. Examples include:

- names, addresses, telephone numbers, email address and other contact details;
- next of kin and family details;
- financial information e.g. for bursary assessment;
- admissions, academic, disciplinary and other education related records, references, examination scripts and marks;
- images, audio and video recordings;

We may also hold 'special category' information on individuals' religion or ethnic group. As a College, we need to process special category personal data (e.g. concerning health, ethnicity, and religion) and criminal records information about some individuals. We do so in accordance with applicable law (including with respect to safeguarding or employment) or by explicit consent, this is explained further below.

Our legal basis for using your information"?

This section contains information about the legal bases that we are relying on when handling personal information.

Legitimate interests

This means that St John's College are using personal data when this is necessary for the College'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 (unless there is a legal basis for doing so).

Specifically, the College has a legitimate interest in:

- providing educational services to pupils;
- safeguarding and promoting the welfare of pupils and our employees;
- promoting the objects and interests of the College. This includes fundraising and using photographs of parents and pupils at our school events in promotional material.
- It also includes making sure that we are able to enforce our rights against parents, for example, so that we can contact you if unpaid school fees are due;
- keeping the College buildings safe;
- using your information in connection with legal disputes. For example, if you or your child bring a claim against the College;
- protecting the College's reputation;
- facilitating the efficient operation of the College; and
- ensuring that all relevant legal obligations of the College are complied with (for example in relation to inspections).

Necessary for Contract

St John's College will need to use parental information in order to discharge our responsibilities under our contract with the parent and for parents to discharge their responsibilities too. For example, we will need personal contact details and/or next of kin details so that we can contact parents as to pupil's progress and welfare, or, if there is a concern which they need to be made aware of.

Legal Obligation e.g. Safeguarding

Where St John's College needs to use personal information in order to comply with a legal

obligation, for example to report a concern to Children's Services. We may also have to disclose such information to third parties such as the courts, the local authority or the police where legally obliged to do so. The College pay full regard to statutory policy e.g. Welsh Assembly Government 'Keeping Children Safe in Education', document 158/2015. Where this policy (and other relevant policies) require us to do so, your information may be shared/disclosed.

Vital Interests

In some circumstances we may use personal information to protect vital interests in an emergency. (e.g. We may need to share information if a pupil was hurt or injured on College premises)

In order to carry out 'public tasks' / to undertake a task in the public interest and/or Substantial Public Interest.

The following are examples of when we may use personal information to perform tasks in the public interest:

- providing pupils with an education;
- safeguarding and promoting welfare;
- facilitating the efficient operation of the College; and
- ensuring that we comply with all of our legal obligations.

St John's College must also comply with an additional condition where it processes special categories of personal information as such categories are deemed more sensitive and requiring further protection. These special categories are as follows:

- personal information revealing racial or ethnic origin;
- political opinions, religious or philosophical beliefs;
- trade union membership;
- genetic information, biometric information;
- health information;
- sex life;
- information about sexual orientation.

St John's is also able to use types of information as outlined above where doing so is necessary in the substantial public interest.

Legal Claims

St John's College may be required to, if this is necessary, share personal information in relation to legal claims. For example, with our legal advisors and/or insurers.

The GDPR prioritises the careful consideration of the legal basis for processing of all personal data, above reliance on consent. We will therefore not generally rely on consent as a basis for processing personal data. In the limited circumstances where we may rely upon consent, we will

specifically obtain this in the course of collecting the data and the nature of any such consent will be fully explained.

HOW THE SCHOOL COLLECTS DATA

Generally, St John's College receives personal data from the individuals (including, in the case of pupils, from parents/guardians). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments), or through alternative data capture such as CCTV.

However 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. In some cases other data is added, including, but not limited to, information about next of kin or financial profile.

HOW LONG WE KEEP PERSONAL DATA

We retain personal data only for a legitimate and lawful reason and only for so long as necessary or required by law. We have adopted a Data Retention Policy which set out the time period for which different categories of data are kept. If you have any specific queries about our record retention periods, or wish to request that your personal data is considered for erasure, please contact our HR Manager – nthomas@stjohnscollegecardiff.com Please bear in mind that the school will often have lawful and necessary reasons to hold on to some personal data even following such request and may not always be able to comply.

WHO HAS ACCESS TO PERSONAL DATA AND WHO THE WE SHARE IT WITH

We are under a general duty to keep personal data and information confidential. Where we share information, we take all reasonable steps to keep it secure, use it fairly and ensure that data protection safeguards are in place.

We apply best practice in terms of information security, and adopt a privacy by design approach in developing new systems and processes involving personal data, considering the rights of individuals and the risks involved at the start of projects to make sure we build in suitable controls.

For the most part, personal data collected by the College will remain within the College, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records held and accessed only by the appropriate pastoral and medical staff or otherwise in accordance with express consent; and
- pastoral or safeguarding files.

In certain cases, for instance where a pupil may have Additional Learning Needs (ALN), relevant information will need to be provided about a pupil to staff more widely in the context of providing necessary care and education support.

The College is under a duty 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 safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information about this, please see the College's Safeguarding Policy.

The College may record low level concerns that do not necessarily meet a statutory threshold in their school management information system (known as iSAMS). Access to this is strictly regulated through our IT security procedures.

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 College's specific directions and minimum standards.

Occasionally, St John's College may need to share personal information relating to its pupils/parents with certain third parties. Information is only shared where there is a legal basis for doing so or where express consent has been obtained in the absence of such legal basis.

SENDING DATA TO OTHER COUNTRIES

The prospect of international transfer of data will generally only arise in circumstances where we need to send information to an overseas school where a parent has advised that they will be moving their child. In such circumstances, the relevant individuals will generally be informed that their data has been transferred. Aside from these circumstances, data is not transferred outside of the European Economic Area (EEA) for any reason. In keeping with modern technological advances and best practice, where the College utilises cloud storage which have servers based outside the EEA, we take all reasonable steps to ensure compliance with the GDPR and the relevant legislation.

SUPPLIERS AND SERVICE PROVIDERS

We also store electronic data in our College information management systems 'iSAMS', 'Engage' and our Pastoral System 'My Concern.'

We have a data processing agreement in place with both systems to ensure security arrangements and the understanding as to the basis and requirements for processing is aligned with ours.

DATA SUBJECTS RIGHTS

Right to access, change, object about and delete data.

Individuals have various rights under the GDPR to access and understand personal data about them held by St John's College, and in some cases to ask for it to be deleted or change or have it transferred to others. They may also request that the College stop processing data – 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 organisation, or who has some other objection to how their personal data is used, should put their request in writing to the Data Protection Officer.

The College 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 ordinarily one month in the case of requests for access to information).

The College will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the College may ask an individual to reconsider or discuss longer time scales.

Requests that cannot be fulfilled

The right of access is limited to an individuals' 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 – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the College, or documents prepared in connection with a legal action).

The College 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.

There is a "right to be forgotten" i.e. to have old data removed/destroyed from record. However, the College will sometimes have compelling reasons to refuse data which has been subject to 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 College, they have sufficient maturity to understand the request they are making (see section Whose Rights? below). A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.

Indeed, while 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. This would be considered on a case by case basis.

Pupils at the 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. Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' legal rights, and all the circumstances.

Pupils in our nursery, and almost always in our junior schools will require their parent or other representative to make a subject access request on their behalf.

Parental requests, etc.

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. St John's College may consider there are lawful grounds for sharing such data with or without reference to that pupil.

Parents will in general receive educational and pastoral updates about their children. Where parents are separated, the College 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. In some circumstances, St John's College may request proof of identity before continuing with a request.

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 for marketing purposes. Please be aware however that the school may not be relying on consent but 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.

Whose rights?

The rights under the GDPR 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 a form. Parents and pupils should be aware that this is not necessarily the same as the school relying on strict consent (see section on Consent above).

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the pupil's age and understanding – 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, the parents' rights at law or under their contract, and all the circumstances.

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. That is unless, in the school's opinion, there is a good reason to do otherwise.

However, where a pupil seeks to raise concerns confidentially with a member of staff 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 e-Safety Policy and the school rules.

CHANGES TO THIS NOTICE

We keep this notice under regular review and will update this Privacy Notice from time to time. Any substantial changes that affect how we process your personal data will be notified on our website and to you directly, as far as practicable.

If you believe that we have not complied with this notice or have acted otherwise than in accordance with the GDPR, you should notify the HR Manager who is also our Data Protection Coordinator. 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 us before involving them.

Last updated May 2018