



**DORMER  
HOUSE  
SCHOOL**

## **PRIVACY POLICY - Statutory**

This policy and Privacy Notice applies to current and former pupils, parents and carers.

### **OVERVIEW**

The school holds information on pupils in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care and to assess how well the school is performing. This information includes contact details, National Curriculum assessment results, attendance information, characteristics such as ethnic groups, special educational needs, medical information and other relevant information as required.

We intend to comply with our legal obligations under the **Data Protection Act 2018** (the '2018 Act') and the **EU General Data Protection Regulation** ('GDPR') in respect of data privacy and security. We have a duty to notify you of the information contained in this policy.

This policy applies to current and former pupils, parents and carers. If you fall into one of these categories, then you are a **'data subject'** for the purposes of this policy. You should read this policy alongside the school's registration forms and any other notice we issue to you from time to time in relation to your data. Pupils as data subjects, have certain rights under the Data Protection Act including a general right of access to information about them, with parents exercising this right on their behalf if they are too young to do so for themselves.

We will only hold data for as long as necessary for the purposes for which we collected it. We are the **'data controller'** for the purposes of your personal data. This means that we determine the purpose and means of the processing of your personal data.

This policy explains how we will hold and process your information. It explains your rights as a data subject. It also explains your obligations when obtaining, handling, processing or storing personal data in the course of working with the school e.g. as a member of the DPA or a volunteer.

This policy does not form part of your contract of educational services and can be amended by us at any time. It is intended that this policy is fully compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this policy, we intend to comply with the 2018 Act and the GDPR.



## 1. DATA PROTECTION PRINCIPLES

Personal data must be processed in accordance with six '**Data Protection Principles.**' It must:

- i. be processed fairly, lawfully and transparently;
- ii. be collected and processed only for specified, explicit and legitimate purposes;
- iii. be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
- iv. be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay;
- v. not be kept for longer than is necessary for the purposes for which it is processed; and
- vi. be processed securely.

We are accountable for these principles and must be able to show that we are compliant.

## 2. HOW WE DEFINE PERSONAL DATA

'**Personal data**' means information which relates to a living person who can be **identified** from that data (a '**data subject**') on its own, or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.

'**Special categories of personal data**' are types of personal data consisting of information as to: racial or ethnic origin; political opinions; religious or philosophical beliefs; genetic or biometric data; health; sexual orientation and any criminal convictions and offences. We may hold and use any of these special categories of your personal data in accordance with the law.

## 3. HOW WE COLLECT PERSONAL DATA

Generally, the School receives personal data from the parents of the pupils (or in the case of parents, from themselves). This may be via a form, or simply in the ordinary course of interaction or communication (such as e-mail or written assessments). However, in some cases personal data may be supplied by third parties (for example another School, or other professionals or authorities working with that individual); or collected from publicly available resources.



Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

## **4. CATEGORIES OF PERSONAL DATA THAT WE COLLECT, HOLD AND SHARE**

We will collect and use the following types of personal data:

- (a) registration information such as the registration form, references and records from other schools and details of any assessments from educational psychologists, start and end dates;
- (b) names, contact addresses, date of birth, contact telephone numbers, contact e-mail addresses and other contact details;
- (c) characteristics such as ethnicity, language, nationality, country of birth, pupil premium entitlement;
- (d) parents' and carers' details including marital status;
- (e) attendance information (such as sessions attended, number of absences and absence reasons);
- (f) assessment records, academic scores and levels attained, examination scripts and marks, SEND support and reports for and/or from educational psychologists;
- (g) information relating to performance, behaviour and discipline;
- (h) investigations and proceedings;
- (i) images of students (and occasionally other individuals) engaging in school activities, whether captured on CCTV, by photograph or video);
- (j) parental bank details for collection of fees;
- (k) identification documents including passport and driving licence in the case of parental volunteers;
- (l) historic registration details of former pupils in the school archive;
- (m) and any other category of personal data which we may notify you of from time to time.

## **5. HOW WE DEFINE PROCESSING**

**'Processing'** means any operation which is performed on personal data such as:

- (a) collection, recording, organisation, structuring or storage;



- (b) adaption or alteration;
- (c) retrieval, consultation or use;
- (d) disclosure by transmission, dissemination or otherwise making available;
- (e) alignment or combination; and
- (f) restriction, destruction or erasure.

This includes processing personal data which forms part of a filing system and any automated processing.

## **6. WHY WE COLLECT AND USE YOUR PERSONAL DATA**

We will use your personal data:

- For the purposes of student administration (and to confirm the identity of prospective students and their parents);
- To provide education services, including extra-curricular activities to students, and monitoring students' progress and educational needs;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity or gender gap analysis and insurances records);
- To enable relevant authorities to monitor the School's performance and to intervene or assist as appropriate;
- To give and receive information and reports about past, current and prospective students, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend;
- To enable students to take part in national or other assessments, and to publish the results of public examinations or other achievements of students of the School;
- To safeguard students' welfare and provide appropriate pastoral care;
- To fulfil our contractual and legal obligations as a school;
- To monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's IT Acceptable Use Policy;



- To make use of photographic images of students in School publications, on the School website and (where appropriate) on the School's social media channels in accordance with the School's policy;
- For security purposes, including CCTV.

## **7. THE LAWFUL BASIS UPON WHICH WE USE THIS INFORMATION**

We will process your personal data (including special categories of personal data) in accordance with our obligations under the 2018 Act.

In order to carry out its ordinary duties to staff, students and parents, the School may process a wide range of personal data about individuals (including current, past and prospective staff, students or 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 its staff, or parents of its students.

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. These reasons may include:

- To safeguard students' welfare and provide appropriate pastoral and 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 where it is in the individual's interests to do so: for example, for medical advice, social services, insurance purposes or to organisers of School trips;
- To provide educational services in the context of any special educational needs of a pupil;
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

We will only process special categories of your personal data (see above) in certain situations in accordance with the law. For example, we can do so if we have your explicit consent.

If we asked for your consent to process a special category of personal data, then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose by contacting us.



We do not need your consent to process special categories of your personal data when we are processing it for the following purposes, which we may do:

- (a) where it is necessary for carrying out obligations under educational law;
- (b) where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
- (c) where you have made the data public;
- (d) where processing is necessary for the establishment, exercise or defence of legal claims; and
- (e) where processing is necessary for medical reasons.

We might process special categories of your personal data for the purposes above which have an asterisk beside them. In particular, we will use information in relation to:

- (a) race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities;
- (b) attendance, health and medical conditions in relation to absence, to collect fees, to comply with our legal obligations under educational law including to make reasonable adjustments and to look after your health and safety;
- (c) We do not take automated decisions about you using your personal data or use profiling in relation to you.

## **8. STORING PUPIL DATA**

The School will retain personal data securely on the school server or in locked storage facilities and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and pupil files is up to 7 years following departure from the school. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements.

## **9. SHARING PERSONAL DATA**

Occasionally, the School will need to share personal information relating to its community with third parties, such as professional advisers, Ofsted Inspectors, lawyers and accountants or relevant authorities such as HMRC, the 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.



However, a certain amount of personal medical, pastoral and SEND 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, students 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 may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as Social Services or the Police. For further information about this, please view the School's Safeguarding Policy.

For the purposes of maintaining a safe and secure environment, the School reserves the right to monitor all internet traffic through its filtering systems and all domain joined devices through e-Safe monitoring software and services.

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, cloud storage and social media providers. This is subject to GDPR assurances that personal data will be kept securely and only in accordance with the School's specific directions.

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our local authority
- the Department for Education (DfE) on a statutory basis.

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

## **10. WHY WE SHARE PUPIL INFORMATION**

From time to time we are required to pass on some of this information to the Local Authority, to another school to which a pupil is transferring, to the National Federation of Educational Research (NFER) to the DfE and to the Qualifications, Development and Curriculum Agency (QDCA) which is responsible for the National Curriculum and associated assessment arrangements. The QDCA uses information about pupils from Key Stage 2 to compile statistics on trends and patterns in achievement whilst the NFER uses the information to pilot and promote other assessment material.



We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring. We are required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013. The DfE uses information about pupil attainment for statistical purposes, to evaluate and develop educational practice and policies and to monitor the performance of the education service as a whole. The statistics are used in such a way that individual pupils cannot be identified. The DfE then feeds back to Local Authorities and schools information about their pupils. The information is also available to the Office for Standards in Education (Ofsted).

We require those agencies to keep your personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions. We do not send your personal data outside the European Economic Area. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

### **The National Pupil Database (NPD)**

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to:

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance



The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

## **11. HOW WILL STAFF PROCESS PERSONAL DATA FOR THE SCHOOL?**

Everyone who works for, or on behalf of, us has some responsibility for ensuring data is collected, stored and handled appropriately, in line with this policy. We are responsible for reviewing this policy, the school's responsibilities and any risks in relation to the processing of data. You should direct any questions in relation to this policy or data protection to the Head Teacher.

Staff only access personal data covered by this policy if they need it for the work they do for, or on behalf of us and only if they are authorised to do so. They should only use the data for the specified lawful purpose for which it was obtained. Staff should not share personal data informally. They should keep personal data secure and not share it with unauthorised people. They should regularly review and update personal data which they have to deal with for work. They should not make unnecessary copies of personal data and should keep and dispose of any copies securely. The school advocates a clean desk policy.



Staff should use strong passwords of at least 12 characters and they are required to lock computer screens when not at their desks. Personal data should wherever possible be encrypted before being transferred electronically to authorised external contacts. Staff will consider anonymising data or using separate keys/codes so that the data subject cannot be identified. Staff will not save personal data to their own personal computers or other devices. When working at home on personal data on iTrack and School Aspect, staff will be mindful of data protection as outlined in this policy.

Personal data should never be transferred outside the European Economic Area except in compliance with the law and authorisation of the Data Protection Officer. Staff should lock drawers and filing cabinets. Staff should not leave paper with personal data lying about. Staff should not take personal data away from our premises without authorisation from the line manager or Data Protection Officer.

Offsite and on school trips the class teacher and/or trip leader is responsible for the safe transit of personal data and medical forms which should be kept securely in the medical bag.

Personal data will be shredded and disposed of securely when we have finished with it. Staff will ask for help from their manager if they are unsure about data protection or if they notice any areas of data protection or security we can improve upon. Any deliberate or negligent breach of this policy may result in disciplinary action being taken in accordance with our disciplinary procedure.

It is a criminal offence to conceal or destroy personal data which is part of a subject access request (see below). This conduct would also amount to gross misconduct under our disciplinary procedure, which could result in dismissal.

## **12. HOW WE DEAL WITH DATA BREACHES**

We have robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur (whether in respect of you or someone else) then we must take notes and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals, then we must also notify the Information Commissioner's Office within 72 hours.

If you are aware of a data breach you must contact the school immediately and keep any evidence you have in relation to the breach.



## 13. YOUR DATA SUBJECT RIGHTS

You have the right to information about what personal data we process, how and on what basis as set out in this policy. You have the right to access your own personal data by way of a subject access request (see Appendix 1).

You can correct any inaccuracies in your personal data. To do so you should contact the school's administrators or Head Teacher.

You have the right to request that we erase your personal data where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected. To do so you should contact the Head Teacher. While you are requesting that your personal data is corrected or erased or are contesting the lawfulness of our processing, you can apply for its use to be restricted while the application is made. To do so you should contact the Head Teacher.

You have the right to object to data processing where we are relying on a legitimate interest to do so and you think that your rights and interests outweigh our own and you wish us to stop. You have the right to object if we process your personal data for the purposes of direct marketing.

You have the right to receive a copy of your personal data and to transfer your personal data to another data controller. We will not charge for this and will in most cases aim to do this within one month.

With some exceptions, you have the right not to be subjected to automated decision-making. You have the right to be notified of a data security breach concerning your personal data.

In most situations we will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your personal data for a specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw your consent, you should contact the Head Teacher.

You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly.

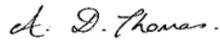
Full contact details including a helpline number can be found on the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)). This website has further information on your rights and our obligations.



This policy is monitored by the Headteacher and the Trustees and will be reviewed annually.

Signed: Alison Thomas, Head Teacher

Date: 11/05/2018



Signed: Nic Fulcher, Chair of Trustees

Date 11/05/2018



## **APPENDIX 1:**

### **MAKING A SUBJECT ACCESS REQUEST**

Data subjects can make a '**Subject Access Request**' ('SAR') to find out the information we hold about them. This request must be made in writing.

If you would like to make a SAR in relation to your own personal data, you should make this in writing to the Head Teacher. We must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by a further two months.

There is no fee for making a SAR. Requests for information must be made in writing; which includes email, and be addressed to the Head Teacher. If the initial request does not clearly identify the information required, then further enquiries will be made.

The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement



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Any individual has the right of access to information held about them. However, with children this is dependent upon their capacity to understand (normally age 13 or above) and the nature of the request. The Head Teacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent, an individual with parental responsibility or guardian shall make the decision on behalf of the child.

The response time for subject access requests, once officially received, is 30 days (not working or school days but calendar days, irrespective of school holiday periods).

The '2018 Act' allows exemptions as to the provision of some information; therefore, all information will be reviewed prior to disclosure.

Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the one-month statutory timescale.

Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

If there are concerns over the disclosure of information, then additional advice should be sought. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used, then registered/recorded mail must be used.



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### **Complaints**

Complaints about the above procedures should be made to the Chair of the Board of Trustees who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedures.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding these policies and procedures, then please contact the Head Teacher.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk)

Appendix 2: Retention Policy – currently under review