



Data Protection Policy – Parents & Pupils



Introduction

Data protection is an important legal compliance issue for the King's School, Worcester Foundation (the foundation). During the course of the foundation's activities it collects, stores and processes personal data (sometimes sensitive in nature) about staff, pupils, their parents, its contractors and other third parties (in a manner more fully detailed in the foundation's Privacy Notice). The foundation is registered as the Data Controller, ICO registration number Z7022029. The foundation, as "data controller", is liable for the actions of its staff and governors in how they handle data. It is therefore an area where all staff have a part to play in ensuring we comply with and are mindful of our legal obligations, whether that personal data handling is sensitive or routine.

UK data protection law consists primarily of the UK version of the General Data Protection Regulation (the GDPR) and the Data Protection Act 2018 (DPA 2018). The DPA 2018 includes specific provisions of relevance to independent schools: in particular, in the context of our safeguarding obligations, and regarding the right of access to personal data.

Data protection law has in recent years strengthened the rights of individuals and placed tougher compliance obligations on organisations including schools that handle personal information. The Information Commissioner's Office (ICO) is responsible for enforcing data protection law, and will typically look into individuals' complaints routinely and without cost, and has various powers to take action for breaches of the law

Key Data Protection Terms Used In This Data Protection Policy

Data controller

An organisation that determines the purpose and means of the processing of personal data. For example, the foundation (including by its governors) is the controller of pupils' personal information. As a data controller, we are responsible for safeguarding the use of personal data. The foundation is registered as a Data Controller with the Information Commissioners' Office (ICO) and renews the registration annually.

Data processor

An organisation that processes personal data on behalf of a data controller, for example a payroll or IT provider or other supplier of services with whom personal data may be shared but who is not authorised to make any decisions about how it is used.

Personal data breach

A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

Personal information (or personal data)

Any information relating to a living individual (a data subject) by which that individual may be identified by the controller. That is not simply a name but any form of identifier, digital or contextual, including unique ID numbers, initials, job titles or nicknames. Note that personal information will be created almost constantly in the ordinary course of work duties (such as in emails, notes of calls, and minutes of meetings). The definition includes expressions of opinion about the individual or any indication of the foundation's, or any person's, intentions towards that individual.

Processing

Anything done with personal information, including obtaining or collecting it, structuring it, analysing it, storing it, sharing it internally or with third parties (including making it available to

be viewed electronically or otherwise), altering it or deleting it.

Special categories of personal data (sensitive data)

Data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health and medical conditions, sex life or sexual orientation, genetic or biometric data used to identify an individual. There are also separate rules for the processing of personal data relating to criminal convictions and offences.

Related Policies

- Privacy Notice for pupils
- Acceptable Use Policy for Pupils
- Safeguarding Policy
- Equal Opportunities Policy for Pupils
- Anti-Bullying Policy
- Behaviour Management Policy
- Suspension and Exclusion Policy.

Person responsible for Data Protection at the School

The Governing Body has overall responsibility for ensuring that the foundation complies with all relevant data protection obligations. The foundation has appointed the Director of Operations as the Data Protection Lead who will deal with requests and enquiries. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the Director of Operations at: compliance@ksw.org.uk.

The Principles

The UK GDPR sets out six principles relating to the processing of personal data which must be adhered to by data controllers (and data processors). These require that personal data must be:

1. Processed **lawfully, fairly** and in a **transparent** manner
2. Collected for **specific and explicit purposes** and only for the purposes it was collected for
3. **Relevant** and **limited** to what is necessary for the purposes it is processed
4. **Accurate** and kept **up to date**
5. **Kept for no longer than is necessary** for the purposes for which it is processed, and
6. Processed in a manner that ensures **appropriate security** of the personal data.

The UK GDPR's broader 'accountability' principle also requires that the foundation not only processes personal data in a fair and legal manner but that we are also able to *demonstrate* that our processing is lawful. This involves, among other things:

- keeping records of our data processing activities, including by way of logs and policies
- documenting significant decisions and assessments about how we use personal data (including via formal risk assessment documents called Data Protection Impact Assessments), and
- generally having an 'audit trail' vis-à-vis data protection and privacy matters, including for

example when and how our Privacy Notice(s) were updated; when staff training was undertaken; how and when any data protection consents were collected from individuals; how personal data breaches were dealt with, whether or not reported (and to whom), etc.

Lawful grounds for data processing

Under the GDPR there are several different lawful grounds for processing personal data:

1. The data needs to be processed so that the foundation can fulfil a contract with the individual, or the individual has asked the foundation to take specific steps before entering into a contract
2. The data needs to be processed so that the foundation can comply with a legal obligation
3. The data needs to be processed to ensure the vital interests of the individual e.g. to protect someone's life
4. The data needs to be processed so that the foundation can perform a task in the public interest, and carry out its official functions
5. The data needs to be processed for the legitimate interests of the foundation or a third party (provided the individual's rights and freedoms are not overridden)
6. The individual (or their parent/guardian when appropriate in the case of a pupil) has freely given clear consent
7. For special categories of personal data, we will also meet one of the special category conditions for processing, which are set out in the UK GDPR and Data Protection Act 2018.

Whenever we first collect personal data directly from individuals, we will treat the data as specified in our Privacy Notice. We will only collect personal data for specified, explicit and legitimate reasons and will always endeavour to ensure that we have lawful grounds for processing personal information. If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so and seek consent where necessary.

We endeavour to ensure that data is not kept for longer than necessary. Data is destroyed securely as soon as reasonably practicable. The foundation may retain personal data indefinitely to comply with regulatory or legal obligations and for legitimate organisational reasons.

Record Keeping

It is important that personal data held by the foundation is accurate, fair and adequate. Individuals must inform the foundation if they believe that any personal data is inaccurate or untrue or if you are dissatisfied with the information in any way. A person may have the right to request that inaccurate information about them is erased or corrected, depending on the nature of the information and the basis on which that data is processed.

Sharing Personal Data

We will share personal data with law enforcement agencies and government bodies where we are legally required to do so such as for safeguarding, crime, HMRC, Department of Education, Department of Works and Pensions, and legal proceedings.

We may also share personal data with emergency services and local authorities to help them to respond to an emergency.

Where we transfer personal data to a country or territory outside the European Economic Area (EEA), we will do so in accordance with the data protection law. Some of these countries may not have the same level of protection for personal information as there is in the UK. The European Commission provides a list of countries, which have adequate data protection rules:

<https://ec.europa.eu/info/law/law-topic/data-protection>

Rights of Individuals

In addition to the foundation's responsibilities when processing personal data, individuals have certain specific rights, perhaps most significantly that of access to their personal data held by a data controller (i.e. the foundation). This is known as the 'Subject Access Right' (or the right to make 'Subject Access Requests').

Individuals also have legal rights to:

- require us to correct the personal data we hold about them if it is inaccurate
- request that we erase their personal data (in certain circumstances)
- request that we restrict our data processing activities (in certain circumstances)
- receive from us the personal data we hold about them for the purpose of transmitting it in a commonly used format to another data controller
- object, on grounds relating to their particular situation, to any of our particular processing activities where the individual feels this has a disproportionate impact on them.
- object to automated individual decision-making, including profiling (i.e. where a significant decision is made about the individual without human intervention)
- object to direct marketing, and withdraw one's consent where we are relying on it for processing their personal data (without affecting the lawfulness of processing carried out prior to that point in reliance on consent, or of any processing carried out on some other legal basis other than consent).
- Make a complaint to the ICO.

Personal data about a child belongs to that child, and the child's parents or guardian. For a parent or guardian to make a Subject Access Request with respect to their child, the child must either be unable to understand their rights and the implications of a Data Subject Access Request (DSAR), or have given their consent.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a Subject Access Request. Therefore, most Subject Access Request from parents or guardians of pupils at our senior school may not be granted without the express permission of the pupil. This age limit is not an absolute rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Where a pupil raises a concern confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian; the foundation will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the Foundation believes disclosure will be in the best interests of the pupil or other pupils.

When responding to DSARs we may ask for two forms of identification and contact the individual for confirmation. We will comply within 30 days of the receipt of the request. Depending on the

complexity or scale of the request, we may advise that we will comply within 3 months of the receipt of the request. We will inform the individual within the 30 days if we require additional time, and explain the reason for the extension.

Exemptions

The data protection legislation and other statutory and regulatory requirements contain several exemptions when the foundation may withhold information. These include:

- information which might cause serious harm to the physical or mental health of the pupil or another individual
- cases where disclosure would reveal a child is at risk of abuse
- information contained in adoption and parental care records
- information given to a court in proceedings under the Magistrates 'Courts (Children and Young Persons) Rules 1992
- copies of examination scripts, and
- providing examination marks before they are officially announced.

The Foundation will generally not be required to provide access to information held mutually and in an unstructured way.

Use of photographic and video images by the Foundation

The foundation may use photographs or video of pupils in the following ways:

- For the purpose of holding a digital formal identity photograph of each pupil for pastoral and administrative purposes which do not include publicity.
- Unless the relevant individual objects in writing [see below for information about how to consent or object] and subject to the exception in italics, the Foundation may also
 - Publish photographs or video in
 - Foundation publications. (For example, e- bulletins, newsletters, social networking services and the School's website) to support teaching and learning, to celebrate pupil achievement and for school publicity and
 - Foundation promotional material (For example, the prospectus). *However, named captioned individual portraits of pupils or pupil addresses will not be published by the Foundation without the appropriate person's express written consent.*
 - Publish photographs of foundation events, which may include images of groups of parents, alumni or other visitors to show an activity to better effect. *However, the foundation will not publish a name captioned individual portrait photograph without the express written consent of the relevant individual.*
 - Allow third party media (for example, visiting journalists) to use photographs or video for their own journalistic purposes. *However, individual pupil portraits (whether or not they include a caption with the pupil's name) will not be published by third party journalists without the*

express written consent of the relevant individual.

On joining the foundation, parents are invited to indicate whether they consent or object to the use of images and video for various further purposes via the Acceptance Form. After this, the relevant person can choose to amend their preferences by writing to the Director of Operations using the contact details below. Any changes made to your preferences will take effect from the date we issue our written acknowledgement. Where consent is withdrawn, the foundation will make reasonable efforts to ensure that the image is not used in future.

However, it may not always be possible to remove images / video that have already been published or circulated.

Fundraising, marketing, and promotional purposes, and keeping in contact with OVs

The foundation will use the contact details of parents, alumni and other members of the foundation community to provide information about foundation activities and newsletters by post and email. You can update your preferences about the way we contact you for these purposes at any time by contacting the Director of Operations.

In addition, unless you object in writing to the Director of Operations, the foundation may also

- Share personal data about parents and/or alumni, with organisations which have been set up to establish and maintain relationships with the foundation community such as the foundation's Alumni Association and The King's School Development Trust
- Contact parents and or alumni, including via the organisations mentioned above by post, email or by telephone for marketing, fundraising and foundation promotional purposes. If you do not want us to do this please contact the Director of Operations using the contact details below
- Collect information from you and publicly available sources about parents' and former pupils' occupation and activities, which may be used to maximise the foundation's fundraising potential.

You can ask us to stop using your personal data for the above purposes by contacting the Director of Operations in writing using the contact details below.

Use Of Photographs And Video By Pupils, Parents And Others

Where parents and others attend foundation performances and sporting events etc. the foundation will generally permit reasonable photography or video recording for personal domestic purposes only. However, the foundation does not permit the publishing or any photograph or video recording of children other than your own. This includes publishing on social networking sites such as Facebook. The foundation's policy reflects our legal obligation to protect the privacy and in some cases personal safety of all of our pupils and recognises that not all pupils and parents wish or consent to their images and other personal data being published.

CCTV

The foundation uses CCTV in various locations around the school sites to ensure they remains safe. We adhere to the ICO's code of practice for the use of CCTV.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Data Security: online and digital

The foundation will ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. Members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act and UK GDPR.

Processing of Credit Card Data

The foundation complies with the requirements of the PCI Data Security Standard (PCI DSS). Staff who are required to process credit card data must ensure that they are aware of and comply with the most up to date PCI DSS requirements. Other categories of financial information, including bank details and salary, or information commonly used in identity theft (such as national insurance numbers or passport details) may not be treated as legally sensitive but can have material impact on individuals and should be handled accordingly.

Complaints

If you have any queries or complaints concerning your personal data or any question about this policy, please contact the foundation's Director of Operations:

Email: compliance@ksw.org.uk

Telephone: 01905 721721

Post: The King's School, 5 College Green, Worcester, WR1 2LL

Review

This policy will be reviewed annually with key stakeholders.

Authorised by	Resolution of the Governors
Signature	
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