

## Privacy Notice for Younger Pupils

### How we use your information

#### Introduction

This notice is to help you understand **how** and **why** we collect your child's personal information and **what** we do with that information. It also explains the decisions that you can make about your child's information.

We are giving you this notice because you are able to exercise your child's data protection rights on their behalf. When your child is older (usually when they reach the age of 12) they will be considered mature enough to exercise their own data protection rights.

If you have any questions about this notice please talk to the Foundation's Data Manager.

#### What is "personal information"?

Personal information is information that the Stephen Perse Foundation (the **Foundation**) holds about your child and which identifies your child.

This includes information such as their date of birth and address as well as things like exam results, medical details and behaviour records. We will also hold information such as your child's religion so that we know whether there are certain foods that he/she cannot eat. We may also hold information about your child's ethnic background to compile statistics on diversity within the Foundation, but only if you choose to provide us with that information. CCTV, photos and video recordings of your child are also personal information.

#### Our legal bases for using your child's information

This section contains information about the legal basis that we are relying on when handling your child's information.

The two tables below contain a general description of the different legal bases but we have also used a colour code system so that you can see which bases we are relying on for each of the purposes described at paragraphs 1 to 37 below.

##### Legitimate interests ("LI")

This means that the Foundation is using your child's information when this is necessary for the Foundation's legitimate interests or someone else's legitimate interests. We won't rely on this basis when your child's interests and fundamental rights override our legitimate interests. Specifically, the Foundation has a legitimate interest in:

- Providing your child (and other children) with an education and making sure that your child is behaving properly;

- Giving your child access to online educational materials such as textbooks and assessments and analysing the results of those assessments in order to help your child get the most out of his/her education at the Foundation;
- Complying with our agreement with you for your child to be at the Foundation;
- Keeping the school buildings safe;
- Making sure that the Foundation is well managed and that we protect the Foundation's reputation;
- Safeguarding and promoting your child's welfare and the welfare of other children;
- Promoting the objects and interests of the Foundation. This includes fundraising e.g. if we want to raise money to build new building] and using photographs of your child in promotional material such as on our website and in the prospectus;
- Ensuring that all relevant legal obligations of the Foundation are complied with (for example in relation to inspections);
- Using your child's information in connection with legal disputes;
- Facilitating the efficient operation of the Foundation.

In addition your child's personal information may be processed for the legitimate interests of others. For example, we may use information about your child when investigating a complaint made by another pupil.

#### Legal obligation ("LO")

Where the Foundation needs to use your child's information in order to comply with a legal obligation, for example to report a concern about your wellbeing to Children's Services. We will also have to disclose your child's information to third parties such as the courts, the local authority or the police where legally obliged to do so.

#### Vital interests ("VI")

In limited circumstances we may use your child's information to protect your child's vital interests or the vital interests of someone else (e.g. if your child or they are seriously hurt).

#### Performance of a task carried out in the public interest (or carrying out public tasks) ("PI")

This applies where what we are doing is for the benefit of people generally. The following are examples of where this applies:

- providing your child and others with an education;
- safeguarding and promoting your child's welfare and the welfare of other children;
- facilitating the efficient operation of the Foundation; and
- ensuring that we comply with all of our legal obligations.

The Foundation must also comply with an additional condition where it processes special categories of personal information. These special categories include: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, and information about sex life or orientation.

#### Substantial public interest ("SP")

The Foundation is allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "public interest" in the table above. For example the Foundation will use information about your child's health to look after him / her. We may also use other types of special category personal data about your child to provide them with an education, to look after your child and their classmates or when the Foundation is inspected.

#### Employment and social protection and social security law ("ESP")

There will be times when the Foundation needs to use your child's information because we are an employer. Also the Foundation will use your child's information to comply with social protection law (e.g. to look after your child) and social security laws. Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.

#### Vital interests ("VI")

In limited circumstances we may use your child's information to protect your child's vital interests or the vital interests of someone else (e.g. if your child or they are seriously hurt).

#### Legal claims ("LC")

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers. This applies whenever sharing special category data is necessary in relation to legal claims.

#### Medical purposes ("MP")

This includes medical treatment and the management of healthcare services.

### **How and why does the Foundation collect and use your child's personal information?**

We set out below different ways in which we use personal information and where this personal information comes from. The letters highlighted in different colours refer to the legal bases we are relying on. Please see the section above for an explanation.

1. Our primary reason for using your child's information is to provide your child with an education - LI, PI, SP.
2. The Foundation will also use your child's personal information to safeguard and promote your child's welfare and the welfare of others (for example, so that we can look after your child if they are hurt) - LI, PI, SP, ESP, MP.

The admissions forms which you complete give us personal information about your child. We get information from your child, his / her teachers and other pupils. Your child's old school also gives us information about how well your child did and any difficulties they had if we need this information to teach and care for them.

Sometimes we get information from your child's doctor and other professionals where we need this to look after your child.

3. We will use information about your child during the admissions process e.g. when marking entrance exams and considering any information provided on the registration form. We may let your child's previous school know if they have been offered a place at the Foundation - LI, PI, SPI.
4. We need to tell all appropriate members of staff if your child has a health issue and any third party providing catering services to the Foundation if your child's health issue is food-related - LI, PI, SPI.
5. We will tell your child's teachers if he or she has special educational needs or requires extra help with some tasks. We will also ask your child to complete assessments, sometimes with specialist assessment organisations, so that we can find out more about the way your child learns, whether they do need extra help and, if so, how we can help them - LI, PI, SPI.
6. We will need to record, monitor and share with your child's teachers any low level concerns we have about your child's welfare, wellbeing or behaviour - LI, PI.
7. We will need to share information about your child (e.g. about their health and wellbeing) with the Foundation Healthcare Practitioner - LI, PI, SPI, ESP, MP.
8. If we have information that your child suffers from an allergy we will use this information so that we can look after your child - LI, PI, SPI, MP.
9. If we have information that your child suffers from a disability we will use information about that disability to provide support - LI, PI, SPI, ESP and in certain circumstances, MP.
10. Where appropriate, the Foundation will have information about your religious beliefs and practices. For example, if your child does not eat certain foods - LI, PI, SPI.
11. We use CCTV to make sure the Foundation sites and personal belongings are safe. We also use CCTV so we can check who has entered or left the Foundation sites if we need to. CCTV is not used in private areas such as toilets or changing rooms - LI, PI, SPI.
12. We record your child's attendance and if he or she has time away from the Foundation we record the reason(s) why - LI, PI, SPI.
13. We will need to report some of your child's information to the government (e.g. the Department for Education). We will need to tell the local authority that your child attends the Foundation, if your child leaves the Foundation or let them know if we have any concerns about your child's welfare - LI, LO, PI, SPI, ESP.
14. We may need to share information about your child with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the Foundation - LI, LO, SPI.
15. The Foundation is a charity which means that in exceptional circumstances we may need to share your child's information with the Charity Commission e.g. in the event of a serious incident - LI, LO, PI, SPI.
16. When we are inspected by the Independent Schools Inspectorate we will have to make your child's information available to the inspectors to assist them with their inspection - LI, LO, PI, SPI.

17. If the Foundation receives a complaint or grievance which involves your child we will need to use their information to deal with this appropriately. For example, if you make a complaint or if another parent complains about an issue which involves your child - LI, PI, SPI.
18. The Foundation may share information about your child with the local authority for the purpose of the preparation, implementation and / or review of your child's Statement of Special Educational Needs or Education Health and Care Plan - LI, PI, LO. We are legally required to provide the Department for Education with certain information about your child. Some of this information will be stored on the National Pupil Database. Organisations can request information from the National Pupil Database which includes information about your child. But they are only allowed to do this for limited purposes and they must be very careful about how they use your child's information. More information can be found here - <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information> - LO, SPI.
19. We will need information about any court orders or criminal petitions which relate to your child. This is so that we can safeguard your child's welfare and wellbeing and the other pupils at the Foundation - LI, PI, SPI.
20. If your child is from another country, we have to make sure that they have the right to study in the UK. Sometimes the government will ask us to provide information as part of our reporting requirements. In addition to this we have a duty to provide information about your child to UK Visas and Immigration - LI, LO, PI, SPI.
21. Depending on where your child will go when they leave us we will provide their information to other schools and colleges. For example, we will share information about your child's exam results and provide references - LI, PI, SPI.
22. If your child has a safeguarding file, we are legally required to pass this file to their next school - LI, LO, PI, SPI, ESP.
23. If your child takes public examinations we will need to share information about them with examination boards. For example, to register your child for exams or if your child requires extra time in exams - LI, PI, SPI.
24. We may need to share information with the police or our legal advisers if something goes wrong or to help with an enquiry. For example, if one of your child's classmates is injured at school or if there is a burglary - LI, LO, PI, SPI, LC.
25. We use consultants, experts and other advisors to assist the Foundation in fulfilling its obligations and to help run the Foundation properly. We will share your child's information with them if this is relevant to their work - LI, PI, SPI.
26. If your child has misbehaved in a serious way, we may need to share information with the police and we may need to use information about the action taken by the police - LI, LO, PI, SPI, ESP.
27. We may share some information with our insurance company to make sure that we have the insurance cover that we need - LI, PI, SPI, LC.
28. If you have appointed an agent to act on your behalf during the admissions process, then we may share information about your child with them. For example, we may send them the acceptance letter so that they can pass this on to you - LI.

29. We will share your child's academic and (where fair) their behaviour records with you or their education guardian so you can support their schooling - **LI**, **PI**, **SP**.
30. We will monitor your child's use of email, the internet and mobile electronic devices e.g. iPads. This is to check that your child is not misbehaving when using this technology or putting themselves at risk of harm. If you would like more information about this you can read the Technology Acceptable Use Policy or speak to your child's form tutor - **LI**, **SP**.
31. We may use photographs or videos of your child for the Foundation's website and social media sites or prospectus to show prospective pupils what we do here and to advertise the Foundation. We will continue to use these photographs and videos after your child has left the Foundation - **LI**, **PI**.
32. Sometimes we use photographs and videos for teaching purposes, for example, to record a drama lesson - **LI**.
- If you have any concerns about us using photographs or videos of your child please speak to your child's form tutor.
33. We publish our public exam results, sports fixtures and other news on our website and put articles and photographs in the local news and on social media to tell people about what we have been doing - **LI**.
34. We will keep your child's student record after you leave. This will include his/her contact details so that we can keep in touch with him/her – for example so that we can contact them if we need to (such as asking them to collect work that they have produced) or to find out how they are getting on. However, we will not send your child alumni news or information about alumni events unless they ask us to. If they would like to stay in touch with the Foundation after they leave, they can give their details to the Alumni Office. Further information about the Alumni Office can be found [here](#) - **LI**.
35. The Foundation must make sure that our computer network is working well and is secure. This may involve information about your child, for example, our anti-virus software might scan files containing information about your child - **LI**.
36. From time to time, we may use a third party to provide activities such as an external sports coach or musical instrument teacher. We may share your child's information with them, for example, to tell them what sports they are good at or so that they can learn a musical instrument - **LI**, **PI**.
37. We can keep information about your child for a very long time or even indefinitely if we need this for historical, research or statistical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the Foundation - **LI**.

We will only share your child's information with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.

We sometimes use contractors to handle personal information on our behalf. The following are examples:

- IT consultants who might access information about your child when checking the security of our IT network;

- we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the Foundation site; and
- we work with travel companies and other organisations to organise school trips both within the UK and abroad.

We use third party technology providers to operate certain functions across the Foundation such as our Management Information System (SIMS), safeguarding reporting system (MyConcern), trips and visits planning and management system (Evolve), events management, WisePay, SchoolPost and our sports website.

If you have any questions about the above, please speak to your child's form tutor or the Data Manager.

### **Criminal offence information**

In exceptional circumstances, we may use information about criminal convictions or offences. We will only do this where the law allows us to. This will usually be where such processing is necessary to carry out our obligations, to exercise our rights or to look after our pupils.

### **More than one basis**

As you will see from the information above, in some cases we will rely on more than one basis for a particular use of your child's information – for example, we may rely on contract, legitimate interests and public interest bases when using information to provide your child with an education. In addition, the basis that we will rely on for a particular purpose may vary depending on the circumstances or we may move from one of the legal bases listed above to another as circumstances change. For example, as a safeguarding matter becomes more serious, we may start to rely on "legal obligation" to share personal information with the local authority in addition to the other legal bases (such as legitimate interests and public interests) which are noted for safeguarding purposes.

### **Consent**

We may ask for your consent to use your child's information in certain ways as an alternative to relying on any of the bases in the table above. For example, we may ask for your consent before taking or using some photographs and videos if the photograph or video is more intrusive and we cannot rely on legitimate interests. If we ask for your consent to use your child's personal information you can take back this consent at any time.

Any use of your child's information before you withdraw your consent remains valid. Please speak to your child's form tutor if you would like to withdraw any consent given.

### **Sending information to other countries**

We may send your child's information to countries which do not have the same level of protection for personal information as there is in the UK, for example, when we store your information on cloud computer storage based overseas or communicate with you when you are overseas (for example, during school holidays if you live in a different country).

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here:

[https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en)

If the country that we are sending your child's information to is not on the list, or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might

not have the same level of protection for personal information as there is in the UK, although we will endeavour to ensure that it is kept secure and handled according to data protection laws.

We will provide you with details about the safeguards which we have in place outside of this privacy notice. If you have any questions about the safeguards that are in place please contact the Data Manager.

### **For how long do we keep your child's information?**

We keep your child's information for as long as we need to in order to educate and look after them. We will keep certain information after your child has left the Foundation, for example, so that we can find out what happened if you make a complaint.

In exceptional circumstances we may keep your child's information for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

### **What decisions can you make about your child's information?**

Since May 2018 you have been able to make various decisions about your child's information. Some of these were new rights whilst others were built on your child's previous rights. Your child's rights are as follows:

- **Rectification:** if information held by the Foundation about your child is incorrect you can ask us to correct it.
- **Access:** you can also ask what information we hold about your child and be provided with a copy. This is commonly known as making a subject access request. We will also give you extra information, such as why we use this information about your child, where it came from and what types of people we have sent it to.
- **Deletion:** you can ask us to delete the information that we hold about your child in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your child's information to you or to a third party in a format that can be read by computer in certain circumstances.
- **Restriction:** our use of information about your child may be restricted to simply storing it in some cases. For example, if you tell us that the information is inaccurate we can only use it for limited purposes while we check its accuracy.
- **Object:** you may object to us using your child's information where:
  - we are using it for direct marketing purposes (e.g. to send you the Foundation schools newsletters);
  - the legal basis on which we are relying is either legitimate interests or performance of a task carried out in the public interest. Please see the section "Our legal bases for using your child's information" above;
  - we are using it for historical or scientific research purposes or archiving purposes. For example, we may keep photographs of your child's class for historical reasons.

The Data Manager can give you more information about your child's data protection rights.

Any individual wishing to access, erase, restrict processing, obtain, object or amend their personal data, should put their request in writing to the Data Manager.

The Foundation 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 one month in the case of requests for access to information. The Foundation will be better able to respond quickly to smaller, targeted requests for information. If the request is manifestly excessive or similar to previous requests, the Foundation may ask you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it.

You should be aware that certain types of data are exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal professional privilege. The Foundation is also not required to disclose any pupil examination scripts (though examiners' comments may fall to be disclosed), nor any confidential reference given by the Foundation for the purposes of the education, training or employment of any individual.

### **Pupil requests**

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the Foundation, they have sufficient maturity to understand the request they are making. Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the information in question is always considered to be the child's at law.

A pupil of any age may ask a parent or other representative to make a subject access request on their behalf. Moreover (if of sufficient age) their consent or authority may need to be sought by the parent making such a request. Pupils from Year 9 and above 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. Slightly younger pupils may however be sufficiently mature to have a say in this decision.

All information requests from, or on behalf of, pupils – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

### **Data accuracy and security**

The Foundation will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. You should notify the relevant School Office of any significant changes to important information, such as contact details, held about your child.

Your child has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the Foundation may need to process your child's data, and of who you may contact if you disagree.

The Foundation will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies concerning the use of technology and devices, and access to school systems. All staff and governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training, if necessary.

### **This Policy**

The Foundation will update this Privacy Notice from time to time. Any substantial changes that affect your child's rights will be provided to you directly as far as reasonably practicable.

## **Further information and guidance**

This notice is to explain how we look after your child's personal information. The Data Manager can answer any questions which you might have.

Please speak to the Data Manager if:

- you would like to exercise any of your child's rights listed above; or
- you would like us to update the information we hold about your child; or
- you would prefer that certain information is kept confidential.

If you consider that we have not acted properly when using your child's personal information, you should use the Foundation's Complaints Procedures and also inform the Data Manager. You can also contact the Information Commissioner's Office ("ICO") - [ico.org.uk](http://ico.org.uk) - although the ICO recommends that steps are taken to resolve the matter with us before involving them.

**August 2019**