

*This school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.*



**PARKSIDE**  
SCHOOL

**Edition: 4 April 2020**

## **PRIVACY NOTICE (SCHOOL)**

**This policy is applicable to the whole school,  
including the Early Years Foundation Stage (EYFS)**

### **References:**

Keeping Children Safe in Education (September 2019) (*KCSIE*)  
Data Protection Act (May 2018) (*DPA*)  
General Data Protection Regulation (May 2018) (*GDPR*)  
ICO Code of Practice on CCTV (last updated June 2017)  
Statutory Framework for the Early Years Foundation Stage (Childcare Act 2006) (revised April 2017)  
Protection of Freedoms Act 2012 (biometrics and CCTV)  
Privacy and Electronic Communications Regulations 2011 (PECR) (and all subsequent revisions)  
Equality Act 2010

### **1. Introduction**

Parkside School (the School) is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people.

### **2. Scope of this Policy**

This Privacy Notice covers the entire school, its employees, pupils and parents, 3<sup>rd</sup> parties and all others where data is shared. The previous Data Protection Act (1998) has been superseded by the EU's GDPR and the latest iteration of the DPA. They are designed to bring data protection legislation into line with new, previously unforeseen ways that data is now used. It also gives people more say over what companies can do with their data.

### **3. Aims**

To ensure that the school is compliant with GDPR and all related Data Protection legislation pertaining to GDPR.  
To ensure all data related to the school is kept secure and managed in accordance with the requirements of GDPR.

### **Links to other policies**

- CCTV Policy
- Data Protection Policies
- Health & Safety Policy
- IT Acceptable Use Policy (including E-Safety)
- Mobile Phone Policy (including EYFS Mobile Phone and Camera Policy)
- Parent Contract (Terms and Conditions)
- Parent Handbook
- Remote Learning Policy
- Remote Working: Access & Devices
- Safeguarding Policy
- Staff Code of Conduct
- Staff Handbook
- Storage and Retention of Records Policy

### **4. Monitoring, Evaluation and Review**

This Policy is monitored, evaluated and reviewed on a biennial basis by the Senior Leadership Team.

**DRW**

**Reviewed: Summer Term 2018**

**Approved by the Board of Governors: 23.5.18**

**Next review: Summer Term 2020**

# PARKSIDE SCHOOL PRIVACY NOTICE



**PARKSIDE**  
SCHOOL

## The Data Controller

Parkside School Trust, The Manor, Stoke D'Abernon, Cobham, Surrey KT11 3PX ('the School') for the purposes of this policy, is the Data Controller. This means that the School determines how its staff; its current, past and prospective pupils; and their parents, carers or guardians ('parents') personal data is processed and for what purpose.

## The Data Subjects

For the purposes of this policy, Data Subjects are its staff; its current, past and prospective pupils; and their parents.

## The EU General Data Protection Regulation ('GDPR')

GDPR supersedes the Data Protection Act 1998 and is designed to bring data protection legislation into line with new, previously unforeseen ways that data is now used. It also gives people more say over what companies can do with their data.

Data Controllers (the School) are expected to ensure that it is transparent on how Data Subjects information is used and to detail this in clear language in their Privacy Notice.

## What this Privacy Notice is for

This policy is intended to provide information about how the School will use (or "process") personal data about individuals including: its staff; its current, past and prospective pupils; and their parents. Collectively, we refer to these individuals in the Privacy Notice as the School's community.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand the School's obligations to its entire community.

This Privacy Notice applies alongside any other information the School may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This Privacy Notice also applies in addition to the School's other relevant terms and conditions and policies, including:

- any contract between the School and its staff or the parents of pupils;
- the School's Use of Images Policy;
- the School's CCTV Policy;
- the School's Storage and Retention of Records Policy;
- the School's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- the School's IT policies, including its IT Acceptable Use, E-safety, Remote Working and BYOD policies.

Anyone who works for, or acts on behalf of, the School (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Notice and the School's Data Protection policy for staff, which also provides further information about how personal data about those individuals will be used.

## Responsibility for Data Protection

The School's Privacy Officer will deal with all requests and enquiries concerning the School's uses of personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this Notice and Data Protection Law.

**Name: David Williams Email: [williamsd@parkside-school.co.uk](mailto:williamsd@parkside-school.co.uk)**

## Why the School needs to process personal data

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

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.

The School expects that the following uses will fall within that category of its (or its community's) "legitimate interests":

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Maintaining relationships with alumni and the School community, including direct marketing or fundraising activity;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax, diversity or gender pay gap analysis);
- To enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils;
- To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils of the school;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's IT policies;
- To make use of photographic images of pupils in School publications, on the School website and (where appropriate) on the School's social media channels in accordance with the School's policy on taking, storing and using images of children;
- For security purposes, including CCTV;
- To carry out or cooperate with any School or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School.

In addition, the School will on occasion need to process special category personal data (concerning health, ethnicity, religion or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will include:

- To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, 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 or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs;
- To provide educational services in the context of any special educational needs of a pupil;
- In connection with employment of its staff, for example DBS checks, union membership or pension plans;
- As part of any School or external complaints, disciplinary or investigation process that involves such data, for example if there are SEND, health or safeguarding elements; or
- 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.

## **Types of personal data processed by the School**

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about parents who pay fees to the school;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academics, employment or safeguarding;
- where appropriate, information about individuals' health & welfare, and contact details for their next of kin;
- references given or received by the School about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning staff, pupils and parents past and present; and
- images of pupils (and occasionally other individuals) engaging in School activities, and images captured by the School's CCTV system (in accordance with the School's CCTV policy);

## **How the School collects data**

The School receives personal data from the individual directly (including, in the case of pupils, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments). 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.

## **Who has access to personal data and who the School shares it with**

Occasionally, the School will need to share personal information relating to its community with third parties, such as:

- appropriate contractors, such as visiting music teachers;
- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- examination boards;
- Stage 3 complaints panels, which will include independent panel members;
- government authorities (e.g. HMRC, DfE, CAF/CASS, police or a relevant local authority)
- appropriate regulatory bodies (e.g. the Teaching Regulation Agency, the Independent Schools Inspectorate, the Charity Commission;
- Friends of Parkside (FoP) [Parents Association]
- Old Boys Association (OBA)

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 (i.e. on a "need to know" basis). Particularly strict rules of access apply in the context of:

- medical records
- pastoral or safeguarding files.

However, a certain amount of any SEND pupil's relevant 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, pupils and parents are reminded that the School is under duties imposed by law and statutory guidance (including the latest iteration of *KCSIE*) 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 please view the School's Safeguarding Policy.

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 School's specific directions.

## **How long we keep personal data**

The School will retain personal data securely 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 personnel 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.

If you have any specific queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the School's Privacy Officer. However, 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.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record"). Please refer to the School's Storage and Retention of Records Policy.

## **Keeping in touch and supporting the School**

The School will use the contact details of parents, alumni and other members of the school community to keep them updated about the activities of the School, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the School will also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the School community, such as the OBA and FoP.
- Contact parents and/or alumni (including via the OBA/FoP) by post and email in order to promote and raise funds for the school;
- Should you wish to limit or object to any such use, or would like further information about them, please contact the School's Privacy Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the school is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

## **Your Rights**

### **a. Rights of access, etc.**

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the School, and in some cases ask for it to be erased or amended or have it transferred to others, or for the School to stop processing it – 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 School's Privacy Officer.

The School 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 School 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 School may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

### **b. Requests that cannot be fulfilled**

You should be aware that the right of access is limited to your 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 School, or documents prepared in connection with a legal action).

The School 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.

You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) 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.

#### c. Pupil requests

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the School, 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.

Pupils aged 13 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. See Privacy Notice for Year 8.

#### d. 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. The School may consider there are lawful grounds for sharing with or without reference to that pupil.

Parents will in general receive educational and pastoral updates about their children, in accordance with the Parent Contract. Where parents are separated, the school 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.

#### e. 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 for example: certain types of uses of images, certain types of fundraising activity. 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 (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation such as an alumni or parents' association has been requested).

#### f. Whose rights?

The rights under Data Protection Law 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 IT Acceptable Use Policy and the guidance contained within Parent Handbook. Staff are under professional duties to do the same covered under the relevant staff policies as indicated in the Staff Handbook.

### **Data Accuracy and Security**

The School will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the School Office of any significant changes to important information, such as contact details, held about them.

An individual 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 School may need to process your data, of whom you may contact if you disagree.

The School will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around 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.

### **Policy Updates**

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

### **Comments, Concerns, Complaints and Compliments**

Any comments, concerns or compliments on this Policy should be directed to the School's Privacy Officer.

If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with Data Protection Law, they should utilise the School Complaints Policy/Grievance Procedure and should also notify the School's Privacy Officer.

You can also make a referral to or lodge a complaint with the ICO, although the ICO recommends that steps are taken to resolve the matter with the School before involving the regulator.

ICO helpline is 0303 123 1113. You can find a template letter, should you need it attached to the School's Privacy Notice, Appendix B.

## **Appendix A:**

### **Privacy Notice Parkside School – Parents (or guardians and carers) of children at the School, or applying to join the School**

This Appendix should be read in conjunction with the School's Privacy Notice.

This Privacy Notice will be provided to you at the time your data is being obtained, if it is being obtained directly.

Data will be processed for the purposes of responding to requests for information about joining the School and the School will therefore have a "legitimate interest" for processing basic personal data and sensitive personal data. The data the School holds will be the minimum it requires to form and maintain the contract between you and the School.

The School will share your data with the following companies who have contracts with the School and who have equalled the School's precautions and systems for dealing with data, these are:

- Photographer
- Health care service provider
- IT Contractor
- IT software provider

It is not necessary for data to be shared with other countries. The exception to this will be international trips that the School organises. Should this be envisaged for your child, you will be contacted for your consent; the consent will be limited in time and content if it be required.

The retention period for pupil data will be until the pupil reaches the age of 25, and / or be modified by any other legal obligation the School finds itself under.

You have the right to withdraw your consent to data processing at any time; however, this will only apply to certain groups of data for which you have given particular consent. You can complain at any time about how the School has handled your data, the Information Commissioner is available as follows:

ICO helpline is 0303 123 1113. You can find a template letter, should you need it attached to the School's Privacy Notice, Appendix B.

We will obtain the data the School requires from you, should we need data from other sources we will contact you within a month.

We see the provision of personal data as necessary to properly admit your child to the School and fulfil our obligations under the contract once your child is a pupil here.

There is no automated decision making or profiling involved in this data stream into and through the School.



**Appendix B**

**Privacy Notice Parkside School – Template letter raising a concern**

[Your full address]  
[Phone number]  
[The date]

[Name and address of the organisation]  
[Reference number (if provided within the initial response)]

Dear [Sir or Madam / name of the person you have been in contact with]

**Information rights concern**

[Your full name and address and any other details such as account number to help identify you]

I am concerned that you have not handled my personal information properly.

[Give details of your concern, explaining clearly and simply what has happened and, where appropriate, the effect it has had on you.]

I understand that before reporting my concern to the Information Commissioner’s Office (ICO) I should give you the chance to deal with it.

If, when I receive your response, I would still like to report my concern to the ICO, I will give them a copy of it to consider.

You can find guidance on your obligations under information rights legislation on the ICO’s website ([www.ico.org.uk](http://www.ico.org.uk)) as well as information on their regulatory powers and the action they can take.

Please send a full response within 28 calendar days. If you cannot respond within that timescale, please tell me when you will be able to respond.

If there is anything you would like to discuss, please contact me on the following number [telephone number].

Yours faithfully

[Signature]

[Name]

## **Appendix C**

### **Privacy Notice Parkside School – Children at the School over the age of 13**

This Appendix should be read in conjunction with the School's Privacy Notice.

This Privacy Notice will be provided to you at the time your data is being obtained, if it is being obtained directly. This means you get this when the School gets your data from your parents, or within a month.

Data will be processed for the purposes of allowing you to make the best of your time at the School. The School will therefore have what is called a "legitimate interest" for processing basic personal data and sensitive personal data. The data the School holds will be the minimum it requires to allow you to thrive in your years here.

The School will share your data with the following companies who have contracts with the School and who have equalled the School's precautions, systems and procedures for dealing with data, these are:

- Catering Company
- Health care service provider
- IT Contractor
- IT software provider
- Photographer

It is not necessary for data to be shared with other countries. The exception to this will be international trips that the School organises. Should this be envisaged for you, you will be contacted for your consent; the consent will be limited in time and content if it is required.

The retention period for pupil data will be until you reach the age of 25.

You have the right to withdraw your consent to data processing at any time, however this will only apply to certain groups of data for which you have given particular consent.

You can complain at any time about how the School has handled your data, the Information Commissioner is available as follows:

ICO helpline is 0303 123 1113. You can find a template letter, should you need it attached to the School's Privacy Notice, Appendix B.

We will obtain the data the School requires from you, should we need data from other sources we will contact you.

We see the provision of personal data as necessary to properly manage your time at the School and for the School to fulfil its obligations to you.

There is no automated decision making or profiling involved handling this data.

## **Appendix D**

### **Privacy Notice Parkside School – Governors of the School**

This Appendix should be read in conjunction with the School's Privacy Notice.

This Privacy Notice will be provided to you at the time your data is being obtained, if it is being obtained directly.

Data will be processed for the purposes of responding to requests for information about joining the Board of the School and the School will therefore have a "legitimate interest" for processing basic personal data and, if necessary, sensitive personal data. The data the School holds will be the minimum it requires.

The School will share your data with the following companies who have contracts with the School and who have equalled the School's precautions, systems and procedures for dealing with data, these are:

- IT Contractor
- IT software provider

It is not necessary for data to be shared with other countries. The exception to this will be international trips that the School organises. Should this be envisaged for you, you will be contacted for your consent; the consent will be limited in time and content if it is required.

The retention period for data on Governors to be held will be 25 years.

You have the right to withdraw your consent to data processing at any time; however this will only apply to certain groups of data for which you have given particular consent.

You can complain at any time about how the School has handled your data, the Information Commissioner is available as follows:

ICO helpline is 0303 123 1113. You can find a template letter, should you need it attached to the School's Privacy Notice, Appendix B.

We will obtain the data the School requires from you, should we need data from other sources we will contact you first.

We see the provision of personal data as necessary to safeguard you and the School as it will allow the necessary checks to be made.

There is no automated decision making or profiling involved in this data stream into and through the School.

## **Appendix E**

### **Privacy Notice Parkside School – alumni**

This Appendix should be read in conjunction with the School's Privacy Notice.

Routine contact with alumni will be by surface mail, email will only be used as a method of contact if the individual alumnus gives consent to be contacted in this way.

This Privacy Notice will be provided to you at the time your data is being obtained, if it is being obtained directly.

Should you give consent data will be processed for the purposes of maintaining an accurate record of those who were educated at the School. The School will process only the minimum personal data to achieve this purpose.

The School will not share your data with any companies associated with the School.

It is not necessary for data to be shared with other countries.

The retention period for alumni data will be unlimited as long as the School believes it has a relationship to serve with the alumnus.

You have the right to withdraw your consent to data processing at any time; however this will only apply to certain groups of data for which you have given particular consent.

You can complain at any time about how the School has handled your data, the Information Commissioner is available as follows:

ICO helpline is 0303 123 1113. You can find a template letter, should you need it attached to the School's Privacy Notice, Appendix B.

We will obtain the data the School requires from you, should we need data from other sources we will contact you first.