



Boundary Oak School Data Protection Policy for Parents and Pupils

This policy should be read alongside:

Data Protection Parents and Pupil policy

Privacy Notice

Data Protection policy for Staff

Taking__storing_and_using_images_of_pupils_policy

Boundary Oak School-privacy-impact-assessment-procedures

Data Breach Policy

Legal and regulatory framework:

- [The Data Protection Act 1998](#)
- [The Privacy and Electronic Communications Regulations 2011](#)
- [The Protection of Freedoms Act 2012](#)

Relevant guidance and practice notes provided by the Information Commissioner's Office

[\[A1\]](#) ("ICO"):

- [The ICO Code of Practice on Privacy Notices](#)
- [The ICO sector-specific guidance for schools, universities and colleges](#)
- [The ICO Guide to Direct Marketing](#)
- [The ICO Code of Practice on Subject Access](#)
- [The ICO Code of Practice on CCTV](#)
- [The ICO's Guide to Data Protection](#)

Why does the School need a Data Protection Policy?

All schools process large amounts of "personal data" about current, past and prospective pupils, and their parents, carers and guardians. Under the Data Protection Act 1998 ("the Act"), the school must process such personal data "fairly". This includes telling pupils and parents how their personal data will be held and used by the school. This data protection policy is intended to help meet that legal requirement.

DATA PROTECTION POLICY

THIS POLICY

- This policy is intended to provide information about how the school will use (or "process") personal data about individuals including current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents").
- It applies in addition to the school's terms and conditions, and any other information the school may provide about a particular use of personal data, including e.g. the school's policy on taking, storing and using images of children.
- Anyone who works for, or acts on behalf of, the school (including staff, volunteers, proprietors and service providers) should also be aware of and comply with 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

- In accordance with the Data Protection Act 1998 ('the Act'), the school has notified the Information Commissioner's Office of its processing activities. The school's ICO registration number is **ZA072493** and its registered address is Boundary Oak School, Roche Court, Wickham Road, Fareham, HANTS PO17 5BL.
- The School has appointed James Polansky, the Head, as the Compliance Officer who will endeavour to ensure that all personal data is processed in compliance with this policy and the Act.

TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL

- The school may process a wide range of personal data about individuals including current, past and prospective pupils and their parents as part of its operation, including 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;
 - where appropriate, information about individuals' health, and contact details for their next of kin;
 - references given or received by the school about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with pupils; 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 policy on taking, storing and using images of children);
 - Generally, the school receives personal data from the individual directly (or, in the case of pupils, from parents). 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.
 - The school may, from time to time, need to process "sensitive personal data" regarding individuals. Sensitive personal data includes information about an

individual's physical or mental health, race or ethnic origin, political or religious beliefs, sex life, trade union membership or criminal records and proceedings. Sensitive personal data is entitled to special protection under the Act, and will only be processed by the school with the explicit consent of the appropriate individual, or as otherwise permitted by the Act.

USE OF PERSONAL DATA BY THE SCHOOL

- The school will use (and where appropriate share with third parties) personal data about individuals for a number of purposes as part of its operations, including as follows:
 - For the purposes of pupil selection and to confirm the identity of prospective pupils and their parents;
 - To provide education services (including SEN), career services, and extra-curricular activities to pupils; monitoring pupils' progress and educational needs; and maintaining relationships with alumni and the school community;
 - For the purposes of management planning and forecasting, research and statistical analysis, and to enable the relevant authorities to monitor the school's performance;
 - 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 (and where necessary, medical) care, and to take appropriate action in the event of an emergency 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, insurance purposes or to organisers of school trips;
 - [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 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, and for regulatory and legal purposes (for example child protection and health and safety) and to comply with its legal obligations; and
 - Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

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, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the school may 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 BOSS (Boundary Oak School Society).
- Contact parents and/or alumni by post and email in order to promote and raise funds for the school and, where appropriate, other worthy causes;
- Contact parents and/or alumni through online surveys, post or email, to get career information to promote work experience opportunities and experience.

- Should you wish to limit or object to any such use, or would like further information about them, please contact the Head in writing.

RIGHTS OF ACCESS TO PERSONAL DATA ("SUBJECT ACCESS REQUEST")

- Individuals have the right under the Act to access to personal data about them held by the school, subject to certain exemptions and limitations set out in the Act. Any individual wishing to access their personal data should put their request in writing to the Head.
- The school will endeavour to respond to any such written requests (known as "subject access requests") as soon as is reasonably practicable and in any event within statutory time-limit of one month of receipt. We may extend the period of compliance by up to 2 months where requests are complex or numerous.
- We will provide a copy of the information requested free of charge, unless when a request is manifestly unfounded or excessive, particularly if it is repetitive. The fee will be based on the administrative cost of providing the information. The information will usually be provided in a commonly used electronic format.
- You should be aware that certain data is exempt from the right of access under the Act. This may include information which identifies other individuals, or information which is subject to legal professional privilege. The school is also not required to disclose any pupil examination scripts (though examiners' comments may fall to be disclosed), nor any reference given by the school for the purposes of the education, training or employment of any individual.
- 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. Pupils aged 12 or over are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested. All subject access requests from pupils will therefore be considered on a case by case basis.
- A person with parental responsibility will generally be expected to make a subject access request on behalf of younger pupils. A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.

WHOSE RIGHTS

- The rights under the Act belong to the individual to whom the data relates. However, the school will in most cases rely on parental consent to process personal data relating to pupils (if consent is required under the Act) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on the pupil's consent. Parents should be aware that in such situations they may not be consulted.
- In general, the school will assume that pupils consent to 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, 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 will 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.
- Pupils are required to respect the personal data and privacy of others, and to comply with the school's Mobile Phone policy, E-safety policy, E-safety rules and code of conduct, IT: acceptable use policy and the school rules.

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 notify the Head of any changes to information held about them.
- An individual has the right to request that inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under the Act) and may do so by contacting the Head in writing.
- The school will take appropriate technical and organisational steps to ensure the security of personal data about individuals. All staff will be made aware of this policy and their duties under the Act.

GDPR PROVISIONS

Privacy Notice - transparency of data protection

Being transparent and providing accessible information to individuals about how we will use their personal data is important for our organisation. The following are details on how we collect data and what we will do with it:

• What information is being collected?
• Who is collecting it?
• How is it collected?
• Why is it being collected?
• How will it be used?
• Who will it be shared with?
• Identity and contact details of any data controllers
• Details of transfers to third country and safeguards
• Retention period

Conditions for processing

We will ensure any use of personal data is justified using at least one of the conditions for processing and this will be specifically documented. All staff who are responsible for processing personal data

will be aware of the conditions for processing. The conditions for processing will be available to data subjects in the form of a privacy notice.

Justification for personal data

We will process personal data in compliance with all six data protection principles:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

We will document the additional justification for the processing of sensitive data, and will ensure any biometric and genetic data is considered sensitive.

Consent

The data that we collect is subject to active consent by the data subject. This consent can be revoked at any time.

Criminal record checks

Any criminal record checks are justified by law. Criminal record checks cannot be undertaken based solely on the consent of the subject.

Data portability

Upon request, a data subject should have the right to receive a copy of their data in a structured format. These requests should be processed within one month, provided there is no undue burden and it does not compromise the privacy of other individuals. A data subject may also request that their data is transferred directly to another system. This will be done for free. However, we may charge a 'reasonable fee' when a request is manifestly unfounded or excessive, particularly if it is repetitive. Alternatively, we may refuse to respond, providing an explanation for our decision, and

information regarding the right to complain to the supervisory authority and to a judicial remedy without undue delay and at the latest within one month.

We may also charge a reasonable fee to comply with requests for further copies of the same information. This does not mean we can charge for all subsequent access requests.

The fee will be based on the administrative cost of providing the information.

Right to be forgotten

A data subject may request that any information held on them is deleted or removed, and any third parties who process or use that data must also comply with the request. An erasure request can only be refused if an exemption applies.

Privacy by design and default

Privacy by design is an approach to projects that promote privacy and data protection compliance from the start. The Head will be responsible for conducting Privacy Impact Assessments and ensuring that all IT projects commence with a privacy plan.

When relevant, and when it does not have a negative impact on the data subject, privacy settings will be set to the most private by default.

International data transfers

No data may be transferred outside of the EEA without first discussing it with the Head. Specific consent from the data subject must be obtained prior to transferring their data outside the EEA.

Data audit and register

Regular data audits to manage and mitigate risks will inform the data register. This contains information on what data is held, where it is stored, how it is used, who is responsible and any further regulations or retention timescales that may be relevant.

Reporting breaches

All members of staff have an obligation to report actual or potential data protection compliance failures. This allows us to:

- Investigate the failure and take remedial steps if necessary
- Maintain a register of compliance failures
- Notify the Supervisory Authority (SA) of any compliance failures that are material either in their own right or as part of a pattern of failures

Please see the ICO guidelines for managing data breaches located [here](#).

Please see the Data Breach policy [here](#) for further information.

Monitoring

Everyone must observe this policy. The Head has overall responsibility for this policy. They will monitor it regularly to make sure it is being adhered to.

QUERIES AND COMPLAINTS

- Any comments or queries on this policy should be directed to the Head on headmaster@boundaryoak.co.uk
- If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with the Act, they should utilise the school complaints procedure and should also notify the Head.

Author	Date	Reviewed by	Date	Next review
JP	Jan 2019	SMT		Jan 2020
