



St Michael's Prep School

Privacy Notice

We know that there is a lot of information here but we want you to be fully informed about your rights, and how St Michael's Prep School uses your data.

We hope the following sections will answer any questions you have but if not, please do get in touch with us.

WHO WE ARE

St Michael's Prep School ('the School') is for the purposes of the General Data Protection Regulation (EU 2016/679), the UK Data Protection Act (DPA) 1998, as well as any subsequent relevant domestic legislation, (collectively referred to in this Notice as 'Data Protection Law') the 'data controller'.

The School was founded in 1872 and was incorporated on 26th January 1937 under the Companies Act 1929 as St Michael's Trust Association Limited, a Charitable Company limited by guarantee. The School is registered with the Charity Commission as charity number 1076999, and holds the Company Registration number 00323541. The Registered Office and principal address of the Company is Otford Court, Row Dow, Otford, Kent, TN14 5RY.

The School is registered with the Information Commissioner's Office under registration number Z9671789.

The School is not part of a group of schools, or, linked informally to any other school. As such, therefore, this Privacy Notice (the 'Notice') is not intended to cover the activities of any other school.

The Old Michaelians Association is an alumni organisation run by the School.

WHAT THIS PRIVACY NOTICE IS FOR

This Privacy Notice explains in detail the School will use (or "process") personal data about individuals including: its current, past and prospective staff and Governors; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents"). There is also a separate Staff Privacy Notice made available to all staff.

This Privacy Notice explains in detail the types of personal data we may collect about you when you interact with us. It also explains how we'll store and handle that data, and keep it safe.

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 St Michael's Prep School and its staff or the parents of pupils;
- the School's Using Images of Children policy;
- the School's Educational Visits Policy;
- the School's CCTV policy
- the School's Data Retention Policy;
- the School's Safeguarding and, Anti Bullying, and Health and Safety policies, including how concerns or incidents are recorded; and
- the School's IT policies, including its ICT Acceptable Use Policy, eSafety policy, Bring Your Own Device (BYOD) policy, and Use of Mobile Device Policy.

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 Staff Privacy Notice, which also provides further information about how personal data about those individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

The School has appointed the Director of Finance & Operations (DFO) as its Privacy Leader.

As the School's Privacy Leader, the DFO will deal with all your requests and enquiries concerning the School's use of your 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.

The DFO can be contacted at : dbirmingham@stmichaels.kent.sch.uk or by writing to the School.

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 collect and process a wide range of personal data (including sensitive data) about individuals (including current, past and prospective staff, pupils or parents) as part of its daily operation.

The School will need to carry out some of this activity in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its pupils.

Other use 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 the category of its (or its community's) "**legitimate interests**":

- For the purposes of pupil admission and to confirm the identity of prospective pupils and their parents;
- To provide education services, including musical education, physical training or spiritual development and extra-curricular activities to pupils, and monitoring and reporting on pupils' progress and educational needs;
- To invoice and collect school fees and extras such as school trips, wrap around care etc;
- Maintaining relationships with alumni and the school community, including promoting school activities and events, reunions, direct marketing or fundraising activities;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background;
- For the purposes of management planning and forecasting, assessing the overall performance of the school, 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 attends, 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 including medical care;
- To monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's Acceptable Use of ICT 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 Using Images of Children;
- For security purposes, including CCTV, in accordance with our CCTV policy;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
- For other reasonable purposes relating to its operation as a school and employer. 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 safeguarding and employment laws, or 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 additional educational needs of a pupil;
- To provide spiritual education in the context of any religious beliefs;
- In connection with employment of its staff, for example DBS checks, welfare, 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 Additional Educational Needs (AEN), 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, or for staff (e.g. payroll, pensions);
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any additional educational needs), and examination scripts and marks;
- personnel files, including in connection with academics, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given to 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 (in accordance with the school's Using Images of Children policy), and images captured by the school's CCTV system.

HOW THE SCHOOL COLLECTS DATA

Your personal data will usually be collected directly from you, (including in the case of pupils, from their parents). This may be via a paper or electronic form, or 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 such as:

- Pupils' previous schools
- Other external authorities such as the Disclosure and Barring Service
- Pupil's GP and other medical practitioners
- Other professionals working with a pupil, such as Educational Psychologists

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:

- professional advisers (e.g. lawyers, insurers, and accountants)
- government authorities (e.g. HMRC, DfE, Kent County Council, DBS, Police); and
- appropriate regulatory bodies e.g., the Independent Schools Inspectorate, Independent Schools Council (ISC), the Charity Commission, or the Information Commissioner.
- ClarionCall who provide group communication services by voice, text and/or email
- Bursary Administration services to assist with means-tested bursaries
- Examination Bodies such as ABRSM,
- NHS through their schools' vaccination and screening programmes
- Other schools our pupils may be transferring to (in accordance with our Transition policy)

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 held and accessed only by the School Nurse and appropriate staff, including school trip leaders and staff, catering staff (allergy information), or otherwise in accordance with express consent; and
- pastoral or safeguarding files held by the Designated Safeguarding Lead ('DSL').

However, a certain amount of any AEN 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 Keeping Children Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This 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 about this, 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. Some of the IT services used by the school are international companies that store data in countries outside of the UK and European Union, in particular in the USA. However, the school only allows personal data to be stored in countries deemed to provide adequate safeguards by the EU Commission.

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. The retention period for pupil data will be until the pupil reaches the age of 25. Staff files will be kept for up to 7 years following departure from the School. Certain pupil and staff information including incident reports and safeguarding files will need to be kept longer, in accordance with specific legal requirements.

If you have any specific queries about how our Data 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 Director of Finance & Operations. However, please bear in mind that the School will often have lawful and necessary reasons to hold onto 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").

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 Old Michaelians Association;
- 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;

Should you wish to limit or object to any such use, or would like further information about this, please contact the Director of Marketing and Admissions, 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

- **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 Director of Finance & Operations.

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.

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).

- **Requests that cannot be fulfilled**

You should be aware that the right of access is limited to your own personal data, and that 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

- **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 at aged 12 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. Older Prep School children may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

- **Parent 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 our Terms and Conditions (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.

- **Consent**

Where the School is relying on consent as a means to process personal data, you have the right to withdraw this consent at any time, (subject to similar age considerations as above). Examples where we do rely on consent are: e.g. 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).

- **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 Code of Conduct, Pupil ICT Acceptable Use, Behaviour and Reward, and Anti-Bullying policies. Staff are under professional duties to do the same covered under the relevant staff policy and employment handbook.

DATA ACCURACY AND SECURITY

The School will take all reasonable steps to ensure that all personal data held in relation to you, 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 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 who 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.

We will notify you, as soon as possible if we become aware of any breach of the Data Protection Law in relation to your personal data.

THIS NOTICE

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.

FURTHER QUESTIONS

We hope this Privacy Notice has been helpful in setting out the way we handle your personal data and your rights to control it.

If you have any questions that haven't been covered, please contact our Privacy Leader who will be pleased to help you:

dbirmingham@stmichaels.kent.sch.uk or write to us as follows:

**Privacy Leader
St Michael's Prep School
Otford Court
Row Dow
Otford
Kent TN14 5RY**

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's complaints procedure and should also notify the Headteacher. You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the school before involving the regulator.

Notice Last Updated: May 2018

St Michael's Prep School, Otford Court, Row Dow, Otford, Kent TN14 5RY
Telephone 01959 522137 www.stmichaels.kent.sch.uk

St Michael's Trust Association Limited, Registered Charity 1076999, Registered Company 00323541