



## PRIVACY NOTICE

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|---|----------------|
| SMT owner   | Bursar         |
| Reviewed by SMT   | November 2017  |
| Effective from  | September 2022 |
| Next review   | 2027           |
| Governor approval (Y/N)?<br>Approved by Board of Governors (if Y) | N              |

### WHO WE ARE

The Governors of Christ College recognise that the processing of personal data is required to function. In accordance with Data Protection Law<sup>i</sup>, the governors are the ‘data controllers’, being the body that is ultimately responsible for the management and use of personal data. Christ College is an unincorporated charitable organisation (registered number 528744) and whose corporate entity is represented and expressed collectively through its board of governors. As charity trustees the governing body are ultimately responsible for the activities of the school. Christ College also operates profit-making subsidiary businesses registered as limited companies. These businesses have separate applicable privacy notices. The school’s Alumni Association (“the Old Breconians”), whilst forming a part of the Christ College legal entity have distinct objectives and is dealt with under separate Privacy Notice. The parents’ association (“The Friends of Christ College”), is exclusive to all parents whilst they have children at the school and whose activities are considered to be an intrinsic part of school activities and so any reference to the school and CCB within this policy is deemed to include the Friends of Christ College.

The governing body therefore determines data protection policies and entrusts the operational use of personal data to its designated employees who are, for the purposes of data protection law, defined as the data processors. The administration of personal data and compliance with prevailing data protection legislation and the school’s data protection policies is delegated by the data controller to the data processors although ultimate responsibility for ensuring compliance lies with the data controller.

Public bodies are required to appoint a Data Protection Officer (DPO) who is defined in statute and is afforded specific duties and protections. Christ College is an independent school and therefore not required to appoint a DPO. Never the less the governors feel that protection of personal data is so important that it has decided to appoint a person to ensure that this information is properly protected and used. This compliance officer (which we have called "The Data Protection Compliance Officer") is not intended to fulfil the DPO role although he/she will enjoy some of the DPO's statutory powers and protections so that their duties may be effectively carried out.

## WHAT THIS POLICY 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, carers or guardians (referred to in this policy as "parents").

This information is provided in accordance with the rights of individuals under Data Protection Law 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 schools' other relevant terms and conditions and policies, including:

- any contract between the school and its staff or the parents<sup>ii</sup> of pupils;
- any information necessary to facilitate business transactions between the pupil's fee payer and the school;
- the school's policy on taking, storing and using images of children;
- the school's CCTV and/or biometrics policy;
- the school's 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 Acceptable Use policy, eSafety policy, Wi-Fi policy, Remote Working policy and Bring Your Own 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 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 group which includes incorporated and associated bodies has appointed the IT and Information Manager as Data Protection Compliance Officer who will deal with all your requests and enquiries concerning the school's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

Data Protection Compliance Officer, Christ College, Brecon LD3 8AF

## WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, pupils and parents, the school may 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 may 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 donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity or gender pay gap analysis and taxation records);
- 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: 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, including CCTV in accordance with the school's CCTV policy; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.
- To keep you informed of activities undertaken by parent volunteers and staff comprising the Friends of Christ College.

In addition, the school may need to process **special category personal data** (concerning health, ethnicity, religion, biometrics 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 may 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 where it is in the individual's interests to do so: for example for medical advice, social services, insurance purposes or to organisers of school trips;
- To provide educational services in the context of any special 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 or pension plans;
- To run any of its systems that operate on biometric data, such as for security and other forms of pupil identification (lockers, lunch etc.); 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;
- 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);

## **HOW THE SCHOOL COLLECTS DATA**

Generally, 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 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 circumstances for third party data collection would be:

- Child's information from a school from which a child was leaving to join Christ College. This information includes standard admission data as set out above and also data relevant for Christ College to assess the child's educational needs which includes reports, test results, references and special education needs assessments.

- Information from the child’s parents regarding unpaid fees at the departing school. This information may be used to apply additional fee payment conditions or decline a place at the school.
- Referral information from the Local Authority if the child was in state-funded education with specified special educational needs (referred to as “statemented pupils”).
- Transfer of personal data to third parties who provide services to the school and where such information is necessary for them to ensure the safety and security of the child. Organisations with whom we would share information in these circumstances include, for example, our caterers and suppliers of goods and services for externally booked trips and excursions.

## **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 (lawyers and accountants) or relevant authorities (HMRC, police or the local authority).

- All pupils’ data will be transferred to the Alumni database. This data will be used to contact former pupils with newsletters and emails to inform them of reunions and social events at the school and around the country and also to contact for fundraising appeals.
- Parents/fee payer information may be passed to our appointed solicitors for the purposes of collecting unpaid fees
- Parents/fee payer and pupils/former pupils’ information may be passed to our appointed solicitors for the purposes of contesting a complaint made by a parent/pupil.
- Parents/fee-payers contact information passed to the Friends of Christ College to make contact with newsletters and emails to inform them of Friends’ meetings and social events.

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 (these are held and accessed only by the school doctor and appropriate medical staff under his/her supervision, or otherwise in accordance with express consent); and
- pastoral or safeguarding files.

However, a certain amount of any SEN 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 Learners Safe](#)) 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 may 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.

All internet activity is monitored and any attempts to access prohibited websites are reported and referred to management for investigation.

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.<sup>iii</sup>

If you have any specific queries about how this 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 Data Protection Compliance Officer (contact details above). However, please bear in mind that the school may have lawful and necessary reasons to hold on to some data.

Refer to the School's policy - [AD007 Records Retention Policy](#)

## **KEEPING IN TOUCH AND SUPPORTING THE SCHOOL**

The school and/or any relevant other organisation 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 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 the Old Breconians;
- Use the school's databases to contact you on behalf of the Friends of Christ College to inform you of, amongst other things, meetings and social events.
- Contact parents and/or alumni (including via the organisations above) 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 them, please contact the Data Protection Compliance Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the school may need nonetheless 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**

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 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, should put their request in writing to the Data Protection Compliance 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 is manifestly excessive or similar to previous requests, the school may ask you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it.

You should be aware that certain data is exempt from the right of access. 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 confidential 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 (see section Whose Rights below). Indeed, while a person with parental responsibility will generally be expected 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 his/her behalf, and moreover (if of sufficient age) their consent or authority may need to be sought by the parent. Pupils aged 13 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. Children younger than 13 may be sufficiently mature to have a say in this decision. All subject access requests from pupils will therefore be considered on a case by case basis.

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). Please be aware however that the school may 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 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 consent to process personal data relating to pupils (if consent is required) 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, 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, 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 acceptable use policy and the school rules. Staff are under professional duties to do the same covered under the relevant staff policy.

## **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 Data Protection Compliance Officer of any changes to information held about them.

An individual has the right to request that any inaccurate or out-of-date information about them is erased or corrected (subject to certain exemptions and limitations under Act): please see above.

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.

## **QUERIES AND COMPLAINTS**

Any comments or queries on this policy should be directed to the Data Protection Compliance Officer using the following contact details [Laurence.jones@christcollegebrecon.com](mailto:Laurence.jones@christcollegebrecon.com)

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 / grievance procedure and should also notify the Data Protection Compliance Officer. The school 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.

## **NOTES**

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<sup>i</sup> Current data protection law is General Data Protection Regulation (EU 2016/679) and the UK Data Protection Act 2018.

<sup>ii</sup> For the purposes of this policy the term 'parents' refers to the person having parental responsibility under the s3 of the Children Act 1989 or a person who has a contractual relationship with the school to pay school fees.



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<sup>iii</sup> 1. Retention of files is advisory pending the findings and recommendations arising from the Independent Inquiry into Child Sexual Abuse (IISCA) led by Professor Alexis Jay.