

**Earlscliffe (Earlscliffe Ltd)**

**Policy: PUPIL DATA PROTECTION POLICY**

**Member of SLT responsible: Head of Estates & Facilities**

**Date of review: November 2024**

**Date of next review: June 2025**

**General Statement of the School's Duties**

The school is required to process relevant personal data regarding pupils and their parents and guardians as part of its operation and shall take all reasonable steps to do so in accordance with this Policy. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this Policy any reference to pupils includes current, past or prospective pupils.

**Data Protection Controller**

The school's Data Protection Controller (DPC) is Dukes Education who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 2018.

**The Principles**

The school shall so far as is reasonably practicable comply with the Data Protection Principles ("the Principles") contained in the Data Protection Act to ensure that all data is:

- Fairly and lawfully processed
- Processed for a lawful purpose
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in accordance with the data subject's rights
- Secure
- Not transferred to other countries without adequate protection

**Personal Data**

Personal data covers both facts and opinions about an individual. The school may process a wide range of personal data of pupils, their parents or guardians as part of its operation. This personal data may include (but is not limited to) names and addresses, bank details, academic, disciplinary, admissions and attendance records, references, examination scripts and marks.

**Processing of Personal Data**

Consent may be required for the processing of personal data unless the processing is necessary for the school to undertake its obligations to pupils and their parents or guardians. Any information which falls under the definition of personal data, and is not otherwise

exempt, will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this Policy.

### **Sensitive Personal Data**

The school may, from time to time, be required to process sensitive personal data regarding a pupil, the pupil's parents or the pupil's guardians. Sensitive personal data includes medical information and data relating to religion, race, or criminal records and proceedings. Where the school processes sensitive personal data, the explicit consent of the appropriate individual will generally be required in writing.

### **Rights of Access**

Individuals have a right of access to information held by the school. Any individual wishing to access his/her personal data should put their request in writing to the DPC. The school will endeavour to respond to any such written requests as soon as is reasonably practicable and, in any event, within 40 days for access to records and 21 days to provide a reply to an access to information request. The school charges an administration fee of £10.00 for providing this information. It should be noted that certain data is exempt from the right of access under the Data Protection Act: this may include information which identifies other individuals, information which the school reasonably believes is likely to cause damage or distress, or information which is subject to legal professional privilege. The school is also not required to disclose any pupil examination scripts. The school will also treat as confidential any reference given by the school for the purpose of the education, training or employment, or prospective education, training or employment of any pupil. The school acknowledges that an individual may have the right to access a reference relating to them received by the school. However, such a reference will only be disclosed if such a disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given consent or if disclosure is reasonable in all the circumstances.

### **Whose Rights?**

The rights under the Data Protection Act are the individual's to whom the data relates. The school will however in most cases rely on parental consent to process data relating to pupils unless, given the nature of the processing in question, and the pupil's age and understanding, it is unreasonable in all the circumstances to rely on the parent's consent. Parents should be aware that in such situations they may not be consulted.

The school will only grant the pupil direct access to his/her personal data if, in the school's reasonable belief, the pupil understands the nature of the request. Pupils should be aware that the school may disclose their personal data to their parents or guardian. Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds his/her agreement to his/her personal data being disclosed to his/her parents or guardian, the school will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding his/her consent, or where the school believes disclosure will be in the best interests of the pupil or other pupils.

### **Exemptions**

Certain data is exempted from the provisions of the Data Protection Act which includes the following:

- The prevention or detection of crime

- The assessment of any tax or duty
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the school

The above are examples only of some of the exemptions under the Act; any further information on exemptions should be sought from the DPC.

### **Disclosure of Information**

The school may receive requests from third parties to disclose personal data it holds about pupils, their parents or guardians. The school confirms that it will not generally disclose information unless the individual has given his/her consent or one of the specific exemptions under the Data Protection Act applies. The school does, however, intend to disclose such data as is necessary to third parties for the following purposes:

- To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend
- To publish the results of public examinations or other achievements of pupils of the School
- To disclose details of a pupil's medical condition where it is in the pupil's interests to do so, or example, for medical advice, insurance purposes or to organisers of school trips

Where the school receives a disclosure request from a third party, it will take reasonable steps to verify the identity of that third party before making any disclosure.

### **Use of Personal Information by the School**

The school will, from time to time, make use of personal data relating to pupils, their parents or guardians in the following ways:

- To make use of photographic images of pupils in the school's publications and on the school's website, photographs sometimes being captioned and usually accompanied by associated text, although the school will not publish photographs of individuals pupils with their names on the school's website if the parent or guardian has formally requested this not to happen
- For fundraising, marketing or promotional purposes and to maintain relationships with pupils of the school, including transferring information to any association, society or club set up for the purpose of establishing or maintaining contact with pupils or for fundraising, marketing or promotional purposes

Should you wish to limit or object to any such use please notify the DPC in writing.

### **Accuracy**

The school will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the DPC of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

## **Security**

The school will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The school will ensure that all personal information is held securely and is not accessible to unauthorised persons.

## **Enforcement**

If an individual believes that the school has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they should utilise the school's Complaints Procedures and should also notify the DPC.

Whereas the Data Protection Act 2018 enables individuals to access information about themselves, the Environmental Information Regulations 2004 enable people to access environmental information and the Freedom of Information Act 2000 enables people to access all other information and the reasoning behind decisions and policies which do not fall under the Data Protection Act or the Environmental Information Regulations. The aim of the Freedom of Information Act is to promote a culture of openness and accountability among public sector bodies and thus improve public understanding of how public authorities make their decisions, carry out their duties and spend public money. The school will endeavour to answer any legitimate questions that arise in relation to school matters as a consequence of the introduction.