

Data Protection Policy

Queen's College, Taunton

August 2018 (v.2)

Data Protection Policy

1. Introduction:

1.1. We are Queen's College Taunton (Queen's College Taunton Enterprises Ltd and Queen's Foundation), which is part of **the Methodist Independent Schools Trust (MIST)**; a charitable company registered in England and Wales with charity registration number 1142794. The company registration number is 7649422 and the registered office is at 25 Marylebone Road, London NW1 5JR. Our registered VAT number is 275 8488 45.

The School address is: Queen's College, Trull Road, Taunton, Somerset, TA1 4QS (Junior School TA1 4QP, Highgrove Nursery TA1 4QW)

1.2. Queen's College (The school) needs to collect and use data about staff, pupils, parents, volunteers and other individuals who come into contact with the school. In collecting and using the data, the school is committed to protecting data subject's rights and ensuring it complies with the principles as set out in the General Data Protection Regulations (GDPR) which took effect on 25 May 2018.

1.3. MIST Head Office is registered as a Data Controller, with the Information Commissioner's Office (ICO). Schools within the MIST Group are registered Data Controllers in their own right.

1.4. This policy applies to all staff (paid or volunteer), consultants and processors engaged by Queen's College. The policy's scope includes all personal data and special category data collected, used, stored, or shared by Queen's College whether it is in digital or physical formats, including databases, emails, and websites.

1.5. This policy does not form part of the formal employment contract for Queen's College staff, it does, however, sit alongside all employment contracts and it is required that all staff will follow the policy. Failure to do so may result in disciplinary action.

2. The Data Subject is the person the information relates to. There may be more than one Data Subject, such as when a record concerns an incident involving two pupils.

2.1. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this policy, any reference to the above data subjects includes past as well as current individuals.

This policy should be read alongside;

2.2. IT acceptable use policy;

2.3. Privacy notice;

2.4. Retention of records and documents

This list is not exhaustive

3. Application: This policy is aimed at Parents and Students. Staff including temporary staff, agency workers, volunteers, governors and contractors should refer to the Employment Manual page 87 for Employment Data Protection guidance.

It explains the School's general approach to data protection, and provides practical guidance which will help to ensure that the School complies with the General Data Protection Regulation (GDPR).

4 **Compliance:** Compliance with this policy will help the School to meet its obligations under GDPR but it does not commit the School to a higher standard than is required by GDPR. In some circumstances, e.g. situations involving safeguarding concerns, strict compliance with the regulation will be subsidiary to other considerations.

5 **Data Protection Lead**

5.1 The School has appointed the IT Manager as Data Protection Lead (DPL) who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the GDPR

6 **The Data Subjects rights:** The General Data Protection Regulation (GDPR), which came into force on 25 May 2018, has 3 principal elements of law:

6.1 Notification – the office of the Data Protection Commissioner must be notified of the types of data held, intended disclosures of data and the purposes for which the data is held.

6.2 Individuals' Rights – individuals have a right to access to any personal data held, to correct any such data and to ensure that no decision is made by a purely automated process.

6.3 Data Protection Principles – these effectively constitute the rules governing the holding, processing and disclosure of data.

The GDPR covers both manual and computerised records.

7 **Data Protection Principles:** GDPR requires the school to adhere to certain standards regarding the gathering, use and disclosure of personal data, as set out in the Data Protection Principles.

The school shall, comply with the Data processing Principles (the "Principles") contained in the GDPR to ensure that all data is:

7.1 Processed lawfully, fairly and in a transparent manner;;

7.2 Collected for specified, explicit and legitimate purposes;

7.3 Adequate, relevant and limited to what is necessary;

7.4 Accurate and, where necessary, kept up to date;

7.5 Retained only for as long as necessary; and

7.6 Processed in an appropriate manner to maintain security.

7.7 GDPR also includes an 'accountability' principle, which requires that not only must Data Controllers like Queen's College comply with these data processing principles, they must also be able to demonstrate their compliance with them.

8 **Personal Data:** This policy covers the School's acquisition and use of the Personal Data it holds, and in particular records about pupils, parents, staff and suppliers. Personal Data is:

8.1 personal information that has been, or will be, word processed or stored electronically (e.g. computer databases and CCTV recordings);

8.2 personal information that is, or will be, kept in a file which relates to an individual or in a filing system that is organised by reference to criteria which relate to the individuals concerned (e.g. name, school year, school activities);

- 8.3 health records prepared by a doctor, nurse or other health professional (even if not held on computer or held as part of an organised file).
- 8.4 Personal data covers both facts and opinions about an individual. The school may process a wide range of personal data on;
- 8.4.1 Pupils;
 - 8.4.2 parents, guardians
 - 8.4.3 and staff as part of its operation.
 - 8.4.4 This personal data may include (but is not limited to):
 - (a) names and addresses,
 - (b) academic,
 - (c) disciplinary,
 - (d) admissions and attendance records,
 - (e) examination scripts and marks,
 - (f) recruitment records,
 - (g) qualifications,
 - (h) employment history,
 - (i) results of CRB or similar enquiries,
 - (j) criminal records,
 - (k) appraisal and performance information,
 - (l) next of kin,
 - (m) court orders,
 - (n) payment history, banking details for Direct Debits etc.),
 - (o) those records required by legislation, e.g. health & safety and employment legislation,
 - (p) Complaints: This procedure should not however be used where you have a complaint relating to your Child in the School. The complaints procedure contained on the website should be used in such cases.
- 8.5 **Personally Identifiable Information (PII)** is any information about someone who can be identified (e.g. their address, school activities, attendance record, exam results). It makes no difference whether they can be identified directly from the record itself or indirectly using other information.

9 Processing of PII:

- 9.1 Specific legitimate purposes: The School shall only process Personal Data for specific and legitimate purposes. These are:

- 9.1.1 ensuring that the School provides a safe and secure environment;
- 9.1.2 providing pastoral care;
- 9.1.3 providing education and learning for children;
- 9.1.4 providing additional activities for children and parents (for example activity clubs) ;
- 9.1.5 protecting and promoting the School's interests and objectives - this includes fundraising;
- 9.1.6 safeguarding and promoting the welfare of children;
- 9.1.7 for personnel, administrative and management purposes. For example, to pay staff and to monitor their performance;
- 9.1.8 and to fulfil the School's contractual and other legal obligations.

School staff must not process Personal Data for any other purpose without the DPL or Human Resources Manager's permission.

- 9.2 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, or is necessary for the performance of contracts of employment. Any information that 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.

10 **Sensitive Personal Data:** The school may, from time to time, be required to process sensitive personal data regarding a pupil, parents or guardians, or a member of staff. Sensitive personal data includes medical information, and data relating to race, ethnic origin, political or religious beliefs trade union membership health, sex life and actual or alleged criminal activity 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.

11 **Rights of Access to Information:** Individuals have a right of access to information held by the School under the 8 GDPR rights:

- 11.1 Right of to be informed;
- 11.2 Right of access;
- 11.3 Right of rectification;
- 11.4 Right of erasure;
- 11.5 Right to restricted processing;
- 11.6 Right of data portability;
- 11.7 Right to object; and
- 11.8 Rights in relation to automated decision making and profiling.

- 11.9 **Subject Access Request (SAR):** Individuals are entitled to know whether the School is holding any Personal Data which relates to them, what that information is, the source of the information, how the School uses it, and who it has been disclosed to.
- 11.10 **Use of personal data:** Individuals have a legal right to ask the School not to use their Personal Data for direct marketing purposes or in ways which are likely to cause substantial damage or distress.
- 11.11 **Corrections:** Individuals have a legal right to ask for incorrect Personal Data to be corrected or annotated.
- 11.12 **Automatic decisions:** Individuals have a legal right to ask the School not to make automatic decisions (using Personal Data) if such automatic decisions would affect them to a significant degree.
- 11.13 **Making a request:** Any individual wishing to access their personal data should put their request in writing to the DPL or pastoral office using the Personal Data Request form [Appendix 1](#).

The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within 30 days for access to records. An extension to this response time may be required if the request is complex and if this is necessary, a letter will be sent to the requestee within initial the 30 day period. It may be necessary to provide identification to enable us to confirm your identity and to validate the request. Any identification requested will also be subject to this GDPR policy and will be only information that is necessary to confirm your ID. If ID is required, the 30 day response time will start from when the ID is received and confirmed as valid.

A SAR request that may include a large volume of data may require clarification. If clarification is sought, the 30 day response time to the SAR will start when that additional information is received.

It is possible that we may not be able to comply with the SAR if the request would mean disclosing information about another individual who can be identified from that information in line with Data Protection Act 2018. The exceptions to this are:

- If the other individual has consented to the disclosure; or
- If it is reasonable to comply with the request without that individual's consent.

A SAR may be refused if it is manifestly unfounded or excessive. If this is decided that a request is unfounded or excessive then we may send a letter to explain this and justify the decision. If the request is refused for either of these reasons, a reasonable fee to deal with the request may be required; or alternatively we may refuse to deal with the request altogether.

Any fee requested will be based on the administrative costs of complying with the request and the 30 day window of response to the request will be started on receipt of the fee.

If we decide to refuse to comply the request for either of the above reasons, you will be informed about;

- the reasons we are not taking action;
- your right to make a complaint to the ICO or another supervisory authority; and

- your ability to seek to enforce this right through a judicial remedy.
- 11.14 Certain data is exempt from the right of access under the GDPR this may include information that;
- 11.14.1 identifies other individuals,
 - 11.14.2 information that the School reasonably believes is likely to cause damage or distress,
 - 11.14.3 or information that is subject to legal professional privilege.
 - 11.14.4 The School is also not required to disclose any pupil examination scripts
- 11.15 The School will also treat as confidential:
- 11.15.1 any reference given by the School for the purpose of the education, training or employment, or prospective education,
 - 11.15.2 training or employment of any pupil or member of staff.
 - 11.15.3 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 disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent or if disclosure is reasonable in all the circumstances.
- 12 **Whose Rights:** The rights under the GDPR 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;
- 12.1 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. In such situations the Student Consent form will be completed and witnessed by a senior member of staff. [Appendix 2](#).
 - 12.2 Parents should be aware that in such situations they might not be consulted.
 - 12.3 The School will only grant the pupil direct access to their personal data if, in the School's reasonable belief;
 - 12.3.1 the pupil understands the nature of the request.
 - 12.3.2 Pupils agree that the School may disclose their personal data to their parents or guardian.
 - 12.3.3 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 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 their consent, or where the School believes disclosure will be in the best interests of the pupil or other pupils.
- 13 **Exemptions:** Certain data is exempted from the provisions of the GDPR, including the following:
- 13.1 The prevention or detection of crime;

- 13.2 The assessment of any tax or duty;
- 13.3 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 GDPR. Any further information on exemptions should be sought from the DPL.

- 14 **Disclosure of Information:** The School may receive requests from third parties to disclose personal data it holds about pupils, their parents or guardians, or members of staff. The School confirms that it will not generally disclose information unless the individual has given their consent or one of the specific exemptions under the GDPR applies. However the School does intend to disclose such data as is necessary to third parties for the following purposes:

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

- 15 **Use of my Personal Information by the School:** The School may, from time to time, make use of personal data relating to pupils, their parents or guardians, or members of staff, in various ways. These may include:

- 15.1 Use of photographic images of pupils in School publications and on the School website.
- 15.2 If the pupil is named, only the first name will be used;
- 15.3 This policy is explained to parents on joining the school, and an opportunity is given for the parents to withhold their permission for their child/children's' photographs to be used.
- 15.4 Maintaining relationships. This includes
 - 15.4.1 fundraising,
 - 15.4.2 marketing or promotional purposes and
 - 15.4.3 maintaining relationships with pupils, parents or members of staff (past or present) of the School, including transferring information to any association, society or club set up for the purpose of establishing or maintaining contact or for fundraising, marketing or promotional purposes. This specifically includes the provision of parents' names and addresses to the school's Parents' Associations. This policy is also explained to parents on joining.

- 15.5 the school, or to pupils as they leave the school, and an opportunity is given for permission to be withheld.
- 16 **Examinations:** The publication of examination results is lawful under the Act, as it is necessary for the legitimate interests of the school. This means that it is not strictly necessary to obtain pupils' or parents' consent to the publishing of results, the school should make them aware that this may take place. In order to reduce the possibility of potential upset, any publication should be alphabetical rather in result order, or even anonymously.
- 17 **References:** Under a specific exemption in the GDPR, the individual does not have the right to gain access to a confidential reference from the organisation that has given it. However, once the reference is with the organisation to which it was sent then no such specific exemption from the right of access exists.

References given for certain purposes, including education, training or employment, can be exempt from the Act. Where the school gives a reference, e.g. a University reference on behalf of a pupil, or an employment reference for an employee or former employee, then the reference should be marked "Confidential for the Purposes of the General Data Protection Regulation". The reference should then be exempt from disclosure under a subject access request. However, it may be more difficult to withhold disclosure of references received, particularly if the candidate is turned down for the post or place.

References may only be given by the Head, or by some other person specifically authorised by the Head. All references will, wherever possible, be on school headed notepaper. All references must be given with reasonable care, to make sure that the facts are correct and that opinions are based on accurate facts, so that any possibility of action from the employee or the prospective employer is avoided.

- 18 **Retention of Records:** Neither the GDPR nor the various Codes of Practice issued under the Act specify a time limit for retaining records. Personal data should only be kept for as long as is necessary, and it is up to the DPL to decide this time, and to justify that decision if challenged.

18.1 Pupil Data

The school should not collect or retain more information than is necessary, and all irrelevant or out of date personal information should be destroyed. Once a pupil has left the school, it is not necessary to retain all the information held on them. However, it is appropriate that some data is kept for longer periods than others, depending on its nature.

- 18.2 UCAS forms have traditionally been kept "on file" by schools. In order to satisfy authorised requests for copies of student references and/or personal statements, a copy of the form may be kept within a secure file after the pupil has left the school. It may not be necessary to retain the whole form, and some parts may be deleted, or certain information transferred to an individual's record.
- 18.3 Irrelevant or particularly sensitive information should be deleted or destroyed.
- 18.4 A list of former pupils may be maintained and used, provided the principles of the GDPR are observed.
- 18.5 Processing should be for the legitimate interests of the school and not unduly prejudice the rights and freedoms of the individual.
- 18.6 While disclosure, without consent, of name and address details to a third party, e.g. for marketing purposes, would not be acceptable, the retention of basic biographical

information on a record-keeping database, and even its publication in a record of former pupils, is acceptable.

- 18.7 Personal data such as health records should not be transferred to former pupil databases held for the distribution of former pupil mailings.
- 18.8 Reasonable steps should be taken to keep such a database up-to-date with accurate entries of addresses and telephone numbers, etc. Such records may be kept indefinitely.
- 19 **Accuracy:** The School will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the DPL of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.
- 20 **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, or other members of staff, where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the GDPR. The School will ensure that all personal information is held securely and is not accessible to unauthorised persons.
- 17.1 **Enforcement:** If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with the GDPR, they should utilise the School complaints procedure and should also notify the DPL.
- 17.2 All data subjects have a right to complain to the ICO. The ICO does recommend seeking to resolve any issues with the data controller initially prior to any referral. If data subjects have queries about this policy or about Queen's College processes personal data or if a data subject wishes to exercise any of the rights under applicable law, please contact either the DPL (gdp-compliance@queenscollege.org.uk) or the Head Teacher (head@queenscollege.org.uk).
- 21 Further information, ICO website:
- 21.1 The School has registered its use of Personal Data with the Information Commissioner's Office and further details of the Personal Data it holds, and how it is used, can be found in the School's register entry on the Information Commissioner's website at www.ico.org.uk under registration number Z5543197. This website also contains further information about data protection.
- 21.2 **Contact:** If you would like any further information about anything within this policy, please contact the DPL.

| | |
|-------------------------------------|-----------------------------------|
| Effective date of the policy | 31st August 2018 |
| SLG Responsible Member | Andrew Stevenson Bursar |

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|----------------------|---|
| Authorised by | Board of Governors |
| Signed | Mark Edwards, Chair of Governors |
| Date | 31 st August 2018 |



Appendix 1

Subject Access Request Form

Please provide the following details about yourself so that we can facilitate your request in a timely and efficient manner.

Personal Details

| | |
|------------------|--|
| Full Name | |
| Address | |
| Tel No | |
| Email | |

Identity Checks

If you are the data subject, documentary evidence of your identity is required, i.e. driving licence, birth certificate (or photocopy) and a stamped addressed envelope for returning the document.

If not, please supply the written consent of the data subject and supply their details as follows:

| | |
|------------------|--|
| Full Name | |
| Address | |
| Tel No | |
| Email | |

Personal Data Requested

Please briefly explain why you are requesting the personal data rather than the data subject (if applicable).

Please describe the information you seek together with any other relevant information to help us identify the information you require.

ALL APPLICANTS MUST COMPLETE THIS SECTION

I confirm that the details given on this application form to Queen's College is true, and I understand that Queen's College may need more information to confirm my identity/that of the data subject and to locate the information that I am requesting.

Signature.....

Date.....

Please return the completed form to the Data Protection Lead, Queen's College, Trull Road, Taunton, Somerset TA1 4QS along with the following:

- Evidence of your identity;
- Evidence of the data subject's identity (if different).

If the data subject provides Queen's College with all the information necessary for the Queen's College to comply with their request, Queen's College will comply with it.

For Administrative Purposes:

SAR received Date.....

Identity check received Date.....

Response to application sent Date.....

SAR sent via secure email Date.....