



Data Protection and Privacy Policy (Pupils, Parents and Legal Guardians)

Independent Boarding and Day School for Boys and Girls
Royal Hospital School

June 2017

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Related Policies	Data Protection and Privacy Policy (Staff)

1. Policy statement

Scope

This policy applies to the Royal Hospital School (**School**).

This policy can be made available in large print or other accessible format, if required.

Introduction

This policy concerns **the School's obligations under the Data Protection Act 1998 (the Act) in relation to pupils, parents and legal guardians**. The purpose of the Act is to safeguard personal information. The Act covers issues such as data security, individuals' rights to access information about them and the use and disclosure of Personal Data.

The School is the Data Controller under the Act which means that it is responsible for complying with the Act. The Board of Governors have delegated day to day responsibility for compliance with the Act to the Director of Finance and Operations (Bursar) who is the **Data Protection Controller**.

The Act applies to the **Personal Data** of an individual that is held on a computer or is held in a file by reference to specific criteria concerning that individual. It also applies to some other records such as certain medical records.

If a Data Subject believes that the School has not complied with this policy or has acted otherwise than in accordance with the Act, they should notify the Data Protection Controller.

The School is required to explain to the individual what Personal Data is collected and what it will be used for. This information is set out in the Privacy Statement for Pupils, Parents and Legal Guardians which can be found on the School's website. Parents and legal guardians of pupils also are provided with data protection information as part of the School's Terms and Conditions. A clause covering Data Protection for employees is included in their contract of employment.

2. The Principles

The School shall comply with the Data Protection principles contained in the Act to help ensure that all data is:

- Fairly and lawfully processed;
- Processed for a specified lawful purpose;
- Adequate, relevant and not excessive;
- Accurate and kept up-to-date;
- Not kept for longer than necessary;

- Processed in accordance with the Data Subject's rights;
- Secure;
- Not transferred outside of the EEA without adequate protection (see also section 9 below).

3. The School's Aims

- To record sufficient information for the purpose but not unnecessary information;
- To record Personal Data accurately and to keep it up-to-date;
- Not to use Personal Data in ways which are incompatible with the purpose for which it was originally recorded;
- To have appropriate security arrangements in place to help prevent any unauthorised use of or damage to Personal Data;
- To dispose of Personal Data appropriately after it is no longer needed.

4. Personal Data

Personal Data means any information relating to an identified or identifiable individual.

"Identifiable" means one who can be identified directly or indirectly, in particular by reference to an identification number or to one or more factors specific to physical, physiological, mental, economic, cultural or social identity. 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, staff, volunteers and Governors as part of its operation.

5. Sensitive Personal Data

The School may, from time to time, be required to process Sensitive Personal Data. Sensitive Personal Data includes information as to racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings.

Sensitive Personal Data will generally be processed only where one of the following conditions applies:

- The Data Subject has/have given explicit consent;
- The processing is necessary to protect vital interests; or
- There is a medical or statutory requirement to process the data.

6. Exemptions

Certain data are partially exempt from the provisions of the Act. Such data includes Personal Data processed in connection with the prevention or detection of crime and Personal Data processed in connection with business planning.

The above are examples and are only partial exemptions. Any further information on exemptions should be sought from the Data Protection Controller.

7. Processing of Personal Data

Consent from the Data Subject (or in the case of younger pupils their parent or legal guardian) may be required for the processing of Personal Data. 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 necessary consent or under the terms of the relevant privacy statement.

8. Rights of Access to Personal Data

Data Subjects have a right of access to their Personal Data held by the School unless an exemption applies. Those wishing to access their Personal Data must make a Subject Access Request in writing and the School will respond within the timeframe set out in the Act (usually 40 days). To help ensure that any request is dealt with promptly, the School's preference is that requests are addressed to the Data Protection Controller.

The School is entitled to charge an administration fee (usually £10) for responding to a request.

Certain data are exempt from the right of access under the Act. This may include:

- Information which identifies other individuals;
- Information which the School reasonably believes is likely to cause damage or distress if disclosed;
- Data prepared solely or mainly to request or give legal advice;
- Examination scripts written by a pupil or prospective pupil, or others;
- Data that does not concern a living individual;
- Data that is not part of a manual or electronic filing system; and
- Data that may be evidence in criminal proceedings.

Most of the above exemptions are not absolute and their application will depend on the particular circumstances.

9. Transfer of Personal Data outside the European Economic Area (EEA)

The School will only transfer Personal Data outside the EEA if the Data Subject has:

- Requested the School to do so;
- Applied for a place at a university or school outside the EEA; or
- Applied for a job, work experience or placement on a scheme outside the EEA and the organisation or establishment has asked the School to supply it with information or a reference.

This applies even if the transfer is to a pupil's parents or legal guardians living outside the EEA. Subject to the above, no Personal Data will be transferred outside the EEA without the Data Subject's permission unless the School is satisfied that the individual's rights under the Act will be adequately protected and the transfer has been approved by the Data Protection Controller.

10. Data Protection Compliance – Specific Examples

CCTV

The School uses CCTV recordings. The objectives of operating CCTV within the School are as follows:

- The enhanced personal safety of pupils, staff and visitors;
- Protection of the school buildings and assets
- Support for the Police in a bid to deter and detect crime by assisting in identification, apprehension and prosecution of offenders.

The School has a Security Policy which covers the Installation and Use of CCTV; and which is available on request to the Director of Finance and Operations (Bursar).

11. Data Subject Statutory Rights

In addition to the right to make a Subject Access Request (see section 8 above), Data Subjects have the following Statutory Rights:

- To ask the School not to make decisions automatically (using Personal Data) if such automatic decisions would affect them to a significant degree;
- To ask for incorrect Personal Data to be corrected or annotated; and
- To ask the School not to use their Personal Data in a way that is likely to cause them unwarranted and substantial damage or distress.

12. Further Information

ICO website

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 Z5747006. This website also contains further information about data protection.

The purpose of this policy is to explain how the School uses Personal Data. It does not, and is not intended to place any obligation on the School greater than that set out in the Act.