



# HAMPTON COURT HOUSE

FORTITER IN RE SUAVITER IN MODO

## **Data Protection Policy**

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## Contents

Policy on Privacy and the Protection of Pupil Data.....	2
Introduction .....	2
Policy Statement.....	2
The Data Protection Principles.....	2
Meaning of "Personal Data" .....	2
Sensitive Personal Data .....	3
The type of data we may collect .....	3
How we will use this data .....	3
Who we may share data with.....	4
Rights of access to data .....	4
Exemptions from the Right of Access .....	4
Who can exercise the rights.....	5
Requests from third parties.....	5
When we may transfer this information outside the European Economic Area .....	6
Accuracy.....	6
Administration .....	6



## HAMPTON COURT HOUSE

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# Policy on Privacy and the Protection of Pupil Data

## Introduction

1. Hampton Court House School and Hampton Court House Daycare (hereafter known as “the School”) is committed to complying with the Data Protection Act 1998. This policy describes the ways in which the School collects, holds, discloses and otherwise uses information (data) about pupils and their parents or guardians.
2. When accepting the offer of a place at the school for their child, parents consent to the School obtaining, using, and holding personal information including "sensitive personal data" about themselves and the child.
3. This policy can be made available in large print or other accessible format.

## Policy Statement

4. This policy has been authorised by the Governors and the Heads of Hampton Court House in compliance with the Data Protection Act 1998 ("the Act"), its regulations and guidance issued by the Information Commissioner. The policy is available to all members of staff and is available to parents, legal guardians and pupils on the School website.
5. "Processing" may include creating, obtaining, recording, holding, disclosing, amending, destroying or otherwise using personal data (this expression is explained below).
6. **We have appointed the Human Resources Director as the School's Data Protection Controller ("DPC")** who will endeavour to ensure that all personal data is processed in compliance with this policy.

## The Data Protection Principles

7. In accordance with the eight Data Protection Principles in the Act we will do all that is reasonable to ensure that all personal data is:
  - a. Fairly and lawfully processed;
  - b. Processed for a lawful purpose;
  - c. Adequate, relevant and not excessive;
  - d. Accurate and kept up-to-date;
  - e. Not kept for longer than necessary;
  - f. Processed in accordance with the Data Subject's rights;
  - g. Secure;
  - h. Not transferred to other countries without adequate protection.

## Meaning of "Personal Data"

8. "Personal data" means any information relating to an identified or identifiable natural person. "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.

## Sensitive Personal Data

9. We may, from time-to-time, be required to process sensitive personal data relating to a pupil, a parent or a legal guardian or education guardian. Sensitive personal data is information as to racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical/mental health or condition, sexual life, criminal offences and sentences imposed.
10. Sensitive personal data will generally be processed only where one of the following conditions applies:
  - a. The Data Subject has given explicit consent; or
  - b. The information has already been made public by the Data Subject; or
  - c. There is a medical or statutory requirement to process the data, for example, a statutory requirement to safeguard and promote the welfare of the Data Subject or any statutory requirement to notify a suspicion of money laundering, or co-operate with UK authorities in other ways.

## The type of data we may collect

11. We are required, as part of our operation, to process a wide range of data relating to pupils and the pupils' parents or guardians. We may collect this data in various ways, including in the ordinary course of school activities and from third parties. The following are some examples of the data we may collect:
  - a. Names, addresses, dates of birth and national insurance numbers;
  - b. Bank details and other financial information;
  - c. Academic, disciplinary, admissions and attendance records and references;
  - d. Medical records;
  - e. Examination and performance monitoring scripts and marks;
  - f. Photograph/s and CCTV images;
  - g. Details of racial or ethnic origin;
  - h. Details of beliefs of a religious or similar nature;
  - i. Records of physical and mental health;
  - j. Lifestyle and social circumstances;
  - k. Education and training details;
  - l. Employment details (such as details of part-time jobs and, when pupils leave, information about his or her employment as part of the alumni);
  - m. Disciplinary issues;
  - n. Offences committed (or alleged to have been committed);
  - o. Complaints made by or about an individual.

## How we will use this data

12. We will be using the data we have collected for the following purposes:
  - a. For the performance of our contract with parents; or
  - b. To comply with a legal or statutory obligation; or
  - c. To protect the vital interests of the Data Subject; or
  - d. For the administration of justice; or
  - e. For the legitimate interests of the School or a third party (such as another school or an examining board);
  - f. Administration for, and preparation of, examinations, training and communications with the DfE;
  - g. Giving references;
  - h. Educational support, including the administration and provision of healthcare services, welfare and pastoral services, and library services;
  - i. School and staff administration;
  - j. Promoting the school and fundraising.

13. Circumstances may arise in which we believe it would be in the best interests of the pupil to share this data with other people. An obvious example is sharing data with medical staff.
14. The School produces a directory annually, which contains the names of pupils together with the names, addresses and telephone numbers of their parents. The purpose of the directory is to facilitate contact between parents to arrange such things as transport to and from the School and social events.
15. Parents who wish for information about them and their child to be included in the directory must complete and return a consent form by the return date specified on the form. The directory will be supplied to all parents, whether or not they complete the form and their details are included.
16. Parents who no longer wish to be included in the directory must notify the Head in writing before the beginning of the academic year.

### Whom we may share data with

17. We may disclose data we have collected to the following in accordance with our obligations under the Data Protection Act 1998 to:
  - a. School staff and the board of governors;
  - b. Education and training establishments and examining bodies, such as the Qualifications and Curriculum Authority, the careers service and DfE;
  - c. Healthcare, social and welfare advisers or practitioners;
  - d. Pupils' relatives, guardians or other people associated with them;
  - e. Pupils' current, past and prospective employers;
  - f. Financial organisations and professional advisers;
  - g. Contractors and agents, such as travel agents for school trips or transport companies;
  - h. Any other school or establishment a pupil attends, or which a parent or legal guardian proposes the pupil should attend;
  - i. Relevant organisations and bodies involved in any complaints, disputes, investigations or legal proceedings; and
  - j. The Independent Schools Inspectorate or other inspecting authorities established by statute.

### Rights of access to data

18. Individuals have a right of access to their personal data unless an exemption applies (see below). An individual wishing to access their personal data should put their request in writing to the DPC. He/she will respond to a request for access to records within forty days of receiving the request or earlier if practicable. For these purposes, a request which arrives while the School is closed will be treated as having been received when the School next re-opens.
19. The School is entitled to charge an administration fee of up to £10 for responding to a request.

### Exemptions from the Right of Access

20. The Act provides that certain data is exempt from the right of access, including -
  - a. Information which identifies other individuals;
  - b. Information which we reasonably believe is likely to cause damage or distress;
  - c. Data prepared solely or mainly to request or give legal advice;
  - d. Examination scripts written by a pupil;
  - e. Data that does not concern a living individual;
  - f. Data that is not part of a manual or electronic filing system;
  - g. Data that may be evidence in criminal proceedings;
  - h. (In some cases) documents protected by copyright.
21. We will also treat as confidential any reference in our possession which has been prepared or given to UCAS and any reference for current or prospective education, training or employment

of a pupil. We acknowledge that an individual may have a right of access to a reference which we receive about them from another source. Such a reference will only be disclosed, however, if:

- a. Disclosure will not identify the source of the reference; or
- b. The referee has given consent; or
- c. Disclosure is reasonable in all the circumstances.

## Who can exercise the rights

22. Rights under the Act belong to the individual to whom the personal data relates. In most cases, however, we are entitled to rely on parental consent to process data relating to pupils unless, in the particular circumstances, it is unreasonable to rely on the parents' consent. This could arise, for example, if there is a conflict of interests between parents and a pupil or if disclosure of information would interfere with a pupil's lawful right to confidentiality.
23. We will only grant a pupil direct access to their personal data if we reasonably believe that the pupil understands the nature of the request and that access would not be likely to cause damage or distress to the pupil or other pupils.

## Requests from third parties

24. We will normally disclose such data as is necessary to third parties for the following purposes:
  - a. To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend, or to a prospective employer;
  - b. To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend;
  - c. To publish the results of public examinations or other achievements of pupils at the School;
  - d. To publish non-portrait-style photographs or images of pupils who are not identified by name in our prospectus or promotional video or on our website;
  - e. To disclose details of a pupil's medical condition, allergies or disability, where it is in the pupil's interests that we do so, for example, for medical advice, insurance purposes or to members of staff supervising sports and games or to organisers of school ventures.
25. In most other cases, we will not generally disclose personal data to third parties unless the Data Subject has given consent or one of the specific exemptions under the Act applies. If we receive a disclosure request from a third party we will take all reasonable steps to verify the identity of the third party before making any disclosure.
26. A parent who wishes to limit or object to the pupil's image being used in the School's promotional material should please notify the DPC in writing. In the absence of notification, we will, from time-to-time, make use of personal data relating to pupils, their parents or guardians in the following ways:
  - a. In our prospectus, video, website or other promotional literature or materials; we will not, however, publish a portrait-style photograph or the pupil's name without the express agreement of a parent or a pupil aged 12 years or more.
  - b. To compile and maintain our register of current or former pupils or any necessary list of pupils representing the School as a member of a team or on a school venture.
  - c. To give information relating to the fundraising activities of the School and initiatives considered beneficial to members of the School community.
  - d. To maintain contact with former members of the School and their association and to inform them of events and activities.

A parent of a pupil of sufficient maturity and understanding should seek the consent of the pupil before limiting or objecting to the use of his/her image.

In addition, images and names of pupils may appear in local press articles and features.

## When we may transfer this information outside the European Economic Area

27. We will only transfer this information outside the EEA if:
  - a. The parent, guardian or pupil has asked us to; or
  - b. The pupil has applied for a place at a university or school outside the EEA, or for a job, work experience or placement on a scheme outside the EEA, and the organisation or establishment concerned has asked us to supply it with that information or a reference.

## Accuracy

28. We will do all that is reasonable to ensure that personal data held in relation to an individual is accurate from time-to-time. **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.

## Administration

29. We 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 reasonably necessary for them to do so. All members of staff will be made aware of this policy and of their duties under the Act. We will do all that is reasonable to ensure that personal information is held securely and is not accessible to unauthorised persons.
30. If an individual believes that we have not complied with this policy or have acted otherwise than in accordance with the Act, they should notify the DPC.