



## Data Protection and Privacy Policy

### Linked Policies

- Breach Management Policy
- Safeguarding Policy
- CCTV system Policy
- Taking and Storing Images of children Policy
- Document Retention Schedule
- Health and Safety Policy
- Network Policy
- Social Media Guidelines
- eSafety Policy
- iPad Acceptable Use Policy
- Communication Policy

### Rationale

Data protection is an important legal issue for Edgbaston High School referred to in this policy as 'The School'. This policy is intended to provide information about how Edgbaston High School will collect, store and process personal information about individuals including:

- Staff, current and prospective.
- Current, past and prospective pupils.
- Parents, carers or guardians (referred to in this policy as "parents").
- Contractors and third party suppliers.

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 School's other relevant terms and conditions and policies, including:

- Any contract between The School and its staff or the parents of pupils.
- The School's policy on taking, storing and using images of children.
- The School's CCTV system policy.
- The School's document retention schedule.
- The School's safeguarding, pastoral and health and safety policies, including as to how concerns or incidents are recorded.

- The School's IT policies, including its Network policy, Social media guidelines, eSafety policy, iPad acceptable use policy, Communication 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 information in this document.

### Objectives

- To protect the rights, safety and welfare of individuals in relation to the use of personal data at The School.
- To help employees of The School understand what is required under data protection law.
- To help employees understand their role in data compliance.

### Success Criteria

- Understanding by staff that data protection is the responsibility of everyone.
- Data is protected in accordance with data protection law.

### Methodology

#### 1. Implementation

##### Responsibility for Data Protection

<b>Data Controller:</b>	Edgbaston High School for Girls
<b>Head Teacher:</b>	Mrs C Macro
<b>Chair of Council:</b>	Mr G Scott
<b>Data Protection Lead:</b>	Mrs J Crimp

##### **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 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 and obligations – including those under contract with its staff, parents or pupils. Other uses of personal data will be made in accordance with The School's legitimate interests or the legitimate interests of another. (Appendix A)

##### **Sensitive Data**

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. (Appendix B) The categories of sensitive data The School collects, processes and stores are listed in Appendix C.

##### **Collecting Personal Data**

In most cases The School receives personal data from the individual directly (or sometimes in the case of pupils from their parents or teachers). This may be via a form or in the course of

ordinary communication (conversation, email etc.) However, in some cases, information may be supplied from third parties for example:

- Other educational establishments (previous schools, universities).
- Previous employment.

When The School collects personal data, if necessary a Data Protection Impact Assessment is carried out and documented to ensure data protection risks are minimised.

### **Who do we Share Personal Data with?**

We routinely share personal data with:

- Other educational establishments (pupils may attend after leaving EHS).
- Appropriate members of staff within The School (including relevant pastoral and academic information).
- CEM at University of Durham.
- Third party software providers (WCBS, RM, Office 365, Evolve, educational applications).
- The local authority.
- The Department for Education (DfE).
- The Governors of The School.
- Examination boards.

Occasionally, The School will need to share personal information relating to its community with third parties, such as professional advisers (lawyers, accountants, HR advisors), debt collectors or relevant authorities (HMRC, police or the local authority).

For the most part, personal data collected by The School will remain within The School, and will only be processed by appropriate individuals (i.e. on a 'need to know' basis). Particularly strict rules of access apply to special category data, for example:

- Medical records.
- Pastoral or safeguarding files.

Staff, pupils and parents are reminded that The School is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) 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.

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.

We do not share any personal information with anyone without consent unless the law and our policies allow us to do so.

## Storing 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. Details of the length of storage can be found in the document retention schedule.

## Keeping in Touch and Supporting The School

The School 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 alumni as appropriate, with organisations set up to help establish and maintain relationships with The School community, such as the EHS Parents' Association and the Old Girls' Association (OGA) (alumni).
- Contact 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 Head of Marketing & Development 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).

Members of the Old Girls' Association have been contacted directly about communication preferences and details of this will be available on the OGA section of The School website.

## 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 notify The School 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. All staff are aware of the need to report any data breaches to the Data Protection Lead who will act accordingly. For details of the management of data breaches see the breach management policy.

## Data Collection Requirements

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

## Requesting Access to your Personal Data

Under data protection legislation, pupils, parents and staff have the right to request access to information about them that we hold. To make a request for your personal information (subject access request), or be given access to your child's educational record, please contact Mrs J. Crimp in writing. [crimpj@edgbastonhigh.co.uk](mailto:crimpj@edgbastonhigh.co.uk)

You also have the right to:

- Object to processing of personal data that is likely to cause, or is causing, damage or distress.
- Prevent processing for the purpose of direct marketing.
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed, transferred to other organisations.
- Claim compensation for damages caused by a breach of the Data Protection regulations.

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, 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. 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.

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.

### Queries and Complaints

If you have a concern about the way we are collecting or using your personal data, you should raise your concern in writing to Mrs J Crimp in the first instance.

If you believe that The School has not complied with this policy or acted otherwise than in accordance with Data Protection Law, you should utilise The School complaints procedure and should also notify the Head teacher. The Information Commissioner's Office (ICO), can also be contacted, although the ICO recommends that steps are taken to resolve the matter with The School before involving the regulator.

## 2. Monitoring

It is the responsibility of the Headmistress, Chair of Governors and Data Protection Lead to ensure this policy is implemented in compliance with data protection law. The Data Protection Lead maintains an audit of data used within The School and reviews it in conjunction with the IT network manager. Any questions should in the first instance, be referred to the Data Protection Lead.

### Evaluation

It is the responsibility of all employees to evaluate the effectiveness of this policy and employees should not be afraid to question current or old practices or raise any concerns with the Data Protection Lead.

### Review

This policy will be reviewed every two years by the Deputy Head Curriculum.

Signed by the Headmistress CAMawo

Approved by Council: Approved by School Council

Date: Date

Date: 5/3/21

## Appendix A

### Legitimate interests of The School

- 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 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.
- For the purposes of recruitment and staff training, including the training of student teachers and assessment of newly qualified teachers.
- 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 statement.
- Where otherwise reasonably necessary for The School's purposes, including to obtain appropriate professional advice and insurance for The School and employees.

## Appendix B

### Reasons for collecting sensitive personal data

- 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.
- 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.



## Appendix C

### The categories of personal data that we collect, store and process

#### Pupils, Parents and Staff:

- Personal contact details information (such as name, address, telephone number, email address).
- Characteristics (such as ethnicity, language, nationality, country of birth).
- Images captured by The School's CCTV system (in accordance with the CCTV system policy and taking and storing images of children policy).
- National Insurance Number.

#### Pupils:

- Attendance information (such as sessions attended, number of absences and absence reasons).
- Assessment data (such as baseline data, marks for homework, classwork, tests and examinations).
- Special Educational Needs and Disabilities information.
- Pastoral information (such as behavioural and safeguarding information).
- Higher education information (such as destinations of leavers).
- Medical information.
- References given or received by EHS and information provided to/from other educational establishments (e.g. academic or pastoral information).
- Birth Certificate for pupils in Westbourne.
- External examination data including unique codes, examination entries and results.

#### Parents:

- Financial information to be used for the provision of bursaries.
- Where appropriate, information about individuals' health.
- National Insurance Number.
- Proof of address.

#### Staff:

- Car details (use of car parking facilities).
- Where appropriate, information about individuals' health.
- Contact details for next of kin.
- Financial information (payroll).
- References given or received.
- Identity documents including proof of address, copy of passport and photo ID.
- Certificate number of DBS check.