

## Data Protection (GDPR) Policy

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## Monitoring and review

Staff responsible	:	All Staff
Committee responsible	:	Board of Trustees
Links	:	
Date approved	:	October 2021
Review date*	:	October 2022

\*Please note that should any further national guidance be issued by external agencies that are relevant to this policy, it will be updated accordingly prior to the review date shown above and re-circulated.

**The Boleyn Trust Board of Trustees has agreed to this Policy and, as such, it applies to all Schools within the Trust.**

# Rationale

## Policy Statement

### 1. INTRODUCTION

- 1.1. The Boleyn Trust (“the Trust”) collects and uses certain types of personal information about staff, pupils, parents and other individuals who come into contact with the Trust in order to provide education and associated functions. The Trust may be required by law to collect and use certain types of information to comply with statutory obligations related to employment, education and safeguarding, and this policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the General Data Protection Regulation and other related legislation.
- 1.2. The GDPR applies to all computerised data and manual files if they come within the definition of a filing system. Broadly speaking, a filing system is one where the data is structured in some way that it is searchable on the basis of specific criteria (so you would be able to use something like the individual’s name to find their information), and if this is the case, it does not matter whether the information is located in a different physical location.
- 1.3. This policy will be updated as necessary to reflect best practice, or amendments made to data protection legislation, and shall be reviewed every 2 years.

### 2. PERSONAL DATA

- 2.1. ‘Personal data’ is information that identifies an individual and includes information that would identify an individual to the person to whom it is disclosed because of any special knowledge that they have or can obtain. For example, if asked for the number of female employees, and you only have one female employee, this would be personal data if it was possible to obtain a list of employees from the website. A sub-set of personal data is known as ‘special category personal data’. This special category data is information that reveals:
  - 2.1.1. race or ethnic origin;
  - 2.1.2. political opinions;
  - 2.1.3. religious or philosophical beliefs;
  - 2.1.4. trade union membership;
  - 2.1.5. physical or mental health;
  - 2.1.6. an individual’s sex life or sexual orientation;
  - 2.1.7. genetic or biometric data for the purpose of uniquely identifying a natural person.
- 2.2. Special Category Data is given special protection, and additional safeguards apply if this information is to be collected and used.
- 2.3. Information relating to criminal convictions shall only be held and processed where there is legal authority to do so.
- 2.4. The Trust does not intend to seek or hold Special Category Data (previously known as sensitive personal data) about staff or students except where the Trust has been notified of the information, or it comes to the Trust’s attention via legitimate means (e.g. a grievance) or needs to be sought and held in compliance with a legal obligation or as a matter of good practice. Staff or students are under no obligation to disclose to the Trust their race or ethnic origin, political or religious beliefs, whether or not they are a trade union member or details of their sexual life (save to the extent that details of marital status and / or parenthood are needed for other purposes, e.g. pension entitlements).

### 3. THE DATA PROTECTION PRINCIPLES

3.1. The six data protection principles as laid down in the GDPR are followed at all times:

- 3.1.1. personal data shall be processed fairly, lawfully and in a transparent manner, and processing shall not be lawful unless one of the processing conditions can be met;
- 3.1.2. Personal data shall be collected for specific, explicit, and legitimate purposes, and shall not be further processed in a manner incompatible with those purposes;
- 3.1.3. personal data shall be adequate, relevant, and limited to what is necessary for the purpose(s) for which it is being processed;
- 3.1.4. personal data shall be accurate and, where necessary, kept up to date;
- 3.1.5. personal data processed for any purpose(s) shall not be kept in a form which permits identification of individuals for longer than is necessary for that purpose / those purposes;
- 3.1.6. personal data shall be processed in such a way that ensures appropriate security of the data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

3.2. In addition to this, the Trust is committed to ensuring that at all times, anyone dealing with personal data shall be mindful of the individual's rights under the law (as explained in more detail in paragraphs 7 and 8 below).

3.3. The Trust is committed to complying with the principles in 3.1 at all times. This means that the Trust will:

- 3.3.1. inform individuals about how and why we process their personal data through the privacy notices which we issue (**Annex 1 - 3**).
- 3.3.2. be responsible for checking the quality and accuracy of the information;
- 3.3.3. regularly review the records held to ensure that information is not held longer than is necessary, and that it has been held in accordance with the Records Management, Retention and Disposal Policy;
- 3.3.4. ensure that when information is authorised for disposal it is done appropriately;
- 3.3.5. ensure appropriate security measures to safeguard personal information whether it is held in paper files or on our computer system, and follow the relevant security policy requirements at all times;
- 3.3.6. share personal information with others only when it is necessary and legally appropriate to do so;
- 3.3.7. set out clear procedures for responding to requests for access to personal information known as subject access requests;
- 3.3.8. report any breaches of the GDPR in accordance with the procedure in paragraph 9 below.

### 4. CONDITIONS FOR PROCESSING IN THE FIRST DATA PROTECTION PRINCIPLE

- 4.1. The individual has given consent that is specific to the particular type of processing activity, and that consent is informed, unambiguous and freely given.
- 4.2. The processing is necessary for the performance of a contract, to which the individual is a party, or is necessary for the purpose of taking steps with regards to entering into a contract with the individual, at their request.
- 4.3. The processing is necessary for the performance of a legal obligation to which we are subject.
- 4.4. The processing is necessary to protect the vital interests of the individual or another.
- 4.5. The processing is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us.

## 5. USE OF PERSONAL DATA BY THE TRUST

- 5.1. The Trust processes personal data on pupils, staff and other individuals such as visitors. In each case, the personal data must be processed in accordance with the data protection principles as outlined in paragraph 3.1 above.

### Pupils

- 5.2. The personal data held regarding pupils includes contact details, assessment / examination results, attendance information, characteristics such as ethnic group, special educational needs, any relevant medical information, and photographs.
- 5.3. The data is used in order to support the education of the pupils, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the Trust as a whole is doing, together with any other uses normally associated with this provision in a school environment.
- 5.4. The Trust may make use of limited personal data (such as contact details) relating to pupils, and their parents or guardians for fundraising, marketing or promotional purposes and to maintain relationships with pupils of the Trust, but only where consent has been provided to this.
- 5.5. In particular, the Trust may:
- 5.5.1. transfer information to any association society or club set up for the purpose of maintaining contact with pupils or for fundraising, marketing or promotional purposes relating to the Trust but only where consent has been obtained first;
  - 5.5.2. make personal data, including sensitive personal data, available to staff for planning curricular or extra-curricular activities;
  - 5.5.3. keep the pupil's previous school informed of his / her academic progress and achievements e.g. sending a copy of the school reports for the pupil's first year at the Trust to their previous school;
  - 5.5.4. Use photographs of pupils in accordance with the photograph policy.
- 5.6. Any wish to limit or object to any use of personal data should be notified to the Data Protection Officer in writing, which notice will be acknowledged by the Trust in writing. If, in the view of the Data Protection Officer, the objection cannot be maintained, the individual will be given written reasons why the Trust cannot comply with their request.

### Staff

- 5.7. The personal data held about staff will include contact details, employment history, information relating to career progression, information relating to DBS checks, photographs, occupational pensions and other as outlined in the Staff Privacy Notice.
- 5.8. The data is used to comply with legal obligations placed on the Trust in relation to employment, and the education of children in a school environment. The Trust may pass information to other regulatory authorities where appropriate and may use names and photographs of staff in publicity and promotional material. Personal data will also be used when giving references.
- 5.9. Staff should note that information about disciplinary action may be kept for longer than the duration of the sanction. Although treated as "spent" once the period of the sanction has expired, the details of the incident may need to be kept for a longer period.
- 5.10. Information relating to DBS checks.
- 5.11. DBS checks are carried out on the basis of the Trust's legal obligations in relation to the safer recruitment of Staff as stipulated in the Independent School Standards Regulations and the DBS information (which will include personal data relating to criminal convictions and offences) is further processed in the substantial public interest, with the objective of safeguarding children. Retention of the information is covered by the Records Management, Retention and Disposal Policy.

Access to the DBS information is restricted to those staff who have a genuine need to have access to it for their job roles. In addition to the provisions of the GDPR and the Data Protection Act 2018, disclosure of this information is restricted by section 124 of the Police Act 1997 and disclosure to third parties will only be made if it is determined to be lawful.

- 5.12. Any wish to limit or object to the uses to which personal data is to be put should be notified to the Data Protection Officer who will ensure that this is recorded and adhered to if appropriate. If the Data Protection Officer is of the view that it is not appropriate to limit the use of personal data in the way specified, the individual will be given written reasons why the Trust cannot comply with their request.

#### **Other Individuals**

- 5.13. The Trust may hold personal information in relation to other individuals who have contact with the school, such as volunteers and guests. Such information shall be held only in accordance with the data protection principles and shall not be kept longer than necessary.

### **6. SECURITY OF PERSONAL DATA**

- 6.1. The Trust will take reasonable steps to ensure that members of staff will only have access to personal data where it is necessary for them to carry out their duties. All staff will be made aware of this Policy and their duties under the GDPR. The Trust will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.
- 6.2. For further details as regards security of IT systems, please refer to the E-Safety and Data Security Policy.

### **7. DISCLOSURE OF PERSONAL DATA TO THIRD PARTIES**

- 7.1. The following list includes the most usual reasons that the Trust will authorise disclosure of personal data to a third party:
- 7.1.1. To give a confidential reference relating to a current or former employee, volunteer or pupil;
  - 7.1.2. for the prevention or detection of crime;
  - 7.1.3. for the assessment of any tax or duty;
  - 7.1.4. where it is necessary to exercise a right or obligation conferred or imposed by law upon the Trust (other than an obligation imposed by contract);
  - 7.1.5. For the purpose of, or in connection with, legal proceedings (including prospective legal proceedings);
  - 7.1.6. for the purpose of obtaining legal advice;
  - 7.1.7. for research, historical and statistical purposes (so long as this neither supports decisions in relation to individuals, nor causes substantial damage or distress);
  - 7.1.8. to publish the results of public examinations or other achievements of pupils of the Trust;
  - 7.1.9. to disclose details of a pupil's medical condition where it is in the pupil's interests to do so and there is a legal basis for doing so, for example for medical advice, insurance purposes or to organisers of school trips; The legal basis will vary in each case but will usually be based on explicit consent, the vital interests of the child or reasons of substantial public interest (usually safeguarding the child or other individuals);
  - 7.1.10. to provide information to another educational establishment to which a pupil is transferring;
  - 7.1.11. to provide information to the Examination Authority as part of the examination process; and
  - 7.1.12. to provide information to the relevant Government Department concerned with national education. At the time of the writing of this Policy, the Government Department concerned with national education is the Department for Education (DfE). The Examination Authority may also pass information to the DfE.

- 7.2. The DfE uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the nation's education service as a whole. The statistics are used in such a way that individual pupils cannot be identified from them. On occasion the DfE may share the personal data with other Government Departments or agencies strictly for statistical or research purposes.
- 7.3. The Trust may receive requests from third parties (i.e. those other than the data subject, the Trust, and employees of the Trust) to disclose personal data it holds about pupils, their parents or guardians, staff or other individuals. This information will not generally be disclosed unless one of the specific exemptions under data protection legislation which allow disclosure applies; or where necessary for the legitimate interests of the individual concerned or the Trust.
- 7.4. All requests for the disclosure of personal data must be sent to the Data Protection Officer, who will review and decide whether to make the disclosure, ensuring that reasonable steps are taken to verify the identity of that third party before making any disclosure.

## 8. CONFIDENTIALITY OF PUPIL CONCERNS

- 8.1. 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 Trust 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 Trust believes disclosure will be in the best interests of the pupil or other pupils. Disclosure for a safeguarding purpose will be lawful because it will be in the substantial public interest.

## 9. SUBJECT ACCESS REQUESTS

- 9.1. Anybody who makes a request to see any personal information held about them by the Trust is making a subject access request. All information relating to the individual, including that held in electronic or manual files should be considered for disclosure, provided that they constitute a "filing system" (see clause 1.5).
- 9.2. The individual's full subject access right is to know:
- whether personal data about him or her are being processed;
  - the purposes of the processing;
  - the categories of personal data concerned;
  - the recipients or categories of recipient to whom their personal data have been or will be disclosed;
  - the envisaged period for which the data will be stored or where that is not possible, the criteria used to determine how long the data are stored;
  - the existence of a right to request rectification or erasure of personal data or restriction of processing or to object to the processing;
  - the right to lodge a complaint with the Information Commissioner's Office;
  - Where the personal data are not collected from the individual, any available information as to their source; and
  - Details of the safeguards in place for any transfers of their data to locations outside the European Economic Area.
- 9.3. All requests should be sent to the Data Protection Officer within 3 working days of receipt and must be dealt with in full without delay and at the latest within one month of receipt.
- 9.4. Where a child or young person does not have sufficient understanding to make his or her own request (usually those under the age of 12, or over 12 but with a special educational need which makes understanding their information rights more difficult), a person with parental responsibility can make a request on their behalf. The Data Protection Officer must, however, be satisfied that:

- 9.4.1. the child or young person lacks sufficient understanding; and
- 9.4.2. the request made on behalf of the child or young person is in their interests.

- 9.5. Any individual, including a child or young person with ownership of their own information rights, may appoint another person to request access to their records. In such circumstances the Trust must have written evidence that the individual has authorised the person to make the application and the Data Protection Officer must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.
- 9.6. Access to records will be refused in instances where an exemption applies, for example, information sharing may place the individual at risk of significant harm or jeopardise police investigations into any alleged offence(s).
- 9.7. A subject access request must be made in writing. The Trust may ask for any further information reasonably required to locate the information.
- 9.8. An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where consent has not been given, or where seeking consent would not be reasonable, and it would not be appropriate to release the information. Particular care must be taken in the case of any complaint or dispute to ensure confidentiality is protected.
- 9.9. All files must be reviewed by the Data Protection Officer before any disclosure takes place. Access will not be granted before this review has taken place.
- 9.10. Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or retyped if this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was altered.

## 10. EXEMPTIONS TO ACCESS BY DATA SUBJECTS

- 10.1. Where a claim to legal professional privilege could be maintained in legal proceedings, the information is likely to be exempt from disclosure unless the privilege is waived.
- 10.2. There are other exemptions from the right of subject access. If we intend to apply any of them to a request, then we will usually explain which exemption is being applied and why.

## 11. OTHER RIGHTS OF INDIVIDUALS

- 11.1. The Trust has an obligation to comply with the rights of individuals under the law and takes these rights seriously. The following section sets out how the Trust will comply with the rights to:
  - 11.1.1. object to Processing;
  - 11.1.2. rectification;
  - 11.1.3. erasure; and
  - 11.1.4. data Portability.

### Right to object to processing

- 11.2. An individual has the right to object to the processing of their personal data on the grounds of pursuit of a public interest or legitimate interest (grounds 4.5 and 4.6 above) where they do not believe that those grounds are adequately established.
- 11.3. Where such an objection is made, it must be sent to the Data Protection Officer within 2 working days of receipt, and the Data Protection Officer will assess whether there are compelling legitimate grounds to continue processing which override the interests, rights and freedoms of the individuals, or whether the information is required for the establishment, exercise or defence of legal proceedings.
- 11.4. The Data Protection Officer shall be responsible for notifying the individual of the outcome of their assessment within 10 of working days of receipt of the objection.

### Right to rectification

- 11.5. An individual has the right to request the rectification of inaccurate data without undue delay. Where any request for rectification is received, it should be sent to the Data Protection Officer within 2 working days of receipt, and where adequate proof of inaccuracy is given, the data shall be amended as soon as reasonably practicable, and the individual notified.
- 11.6. Where there is a dispute as to the accuracy of the data, the request and reasons for refusal shall be noted alongside the data and communicated to the individual. The individual shall be given the option of a review under the complaints procedure, or an appeal direct to the Information Commissioner.
- 11.7. An individual also has a right to have incomplete information completed by providing the missing data, and any information submitted in this way shall be updated without undue delay.

### Right to erasure

- 11.8. Individuals have a right, in certain circumstances, to have data permanently erased without undue delay. This right arises in the following circumstances:
- 11.8.1. where the personal data is no longer necessary for the purpose or purposes for which it was collected and processed;
  - 11.8.2. where consent is withdrawn and there is no other legal basis for the processing;
  - 11.8.3. where an objection has been raised under the right to object, and found to be legitimate;
  - 11.8.4. where personal data is being unlawfully processed (usually where one of the conditions for processing cannot be met);
  - 11.8.5. where there is a legal obligation on the Trust to delete.
- 11.9. The Data Protection Officer will make a decision regarding any application for erasure of personal data and will balance the request against the exemptions provided for in the law.
- Where a decision is made to erase the data, and this data has been passed to other data controllers, and / or has been made public, reasonable attempts to inform those controllers of the request shall be made.

### Right to restrict processing

- 11.10. In the following circumstances, processing of an individual's personal data may be restricted:
- 11.10.1. where the accuracy of data has been contested, during the period when the Trust is attempting to verify the accuracy of the data;
  - 11.10.2. where processing has been found to be unlawful, and the individual has asked that there be a restriction on processing rather than erasure;
  - 11.10.3. where data would normally be deleted, but the individual has requested that their information be kept for the purpose of the establishment, exercise or defence of a legal claim;
  - 11.10.4. where there has been an objection made under para 8.2 above, pending the outcome of any decision.

### Right to portability

- 11.11. If an individual wants to send their personal data to another organisation they have a right to request that the Trust provides their information in a structured, commonly used, and machine-readable format. As this right is limited to situations where the Trust is processing the information on the basis of consent or performance of a contract, the situations in which this right can be exercised will be quite limited. If a request for this is made, it should be forwarded to the Data Protection Officer within 2 working days of receipt, and the Data Protection Officer will review and revert as necessary.

## 12. BREACH OF ANY REQUIREMENT OF THE GDPR

- 12.1. Any and all breaches of the GDPR, including a breach of any of the data protection principles shall be reported as soon as it is/they are discovered, to the Data Protection Officer.
- 12.2. Once notified, the Data Protection Officer shall assess:
  - 12.2.1. the extent of the breach;
  - 12.2.2. the risks to the data subjects as a consequence of the breach;
  - 12.2.3. any security measures in place that will protect the information;
  - 12.2.4. any measures that can be taken immediately to mitigate the risk to the individuals.
- 12.3. Unless the Data Protection Officer concludes that there is unlikely to be any risk to individuals from the breach, it must be notified to the Information Commissioner's Office within 72 hours of the breach having come to the attention of the Trust, unless a delay can be justified.
- 12.4. The Information Commissioner shall be told:
  - 12.4.1. details of the breach, including the volume of data at risk, and the number and categories of data subjects;
  - 12.4.2. the contact point for any enquiries (which shall usually be the Data Protection Officer);
  - 12.4.3. the likely consequences of the breach; and
  - 12.4.4. measures proposed or already taken to address the breach.
- 12.5. If the breach is likely to result in a high risk to the rights and freedoms of the affected individuals then the Data Protection Officer shall notify data subjects of the breach without undue delay unless the data would be unintelligible to those not authorised to access it, or measures have been taken to mitigate any risk to the affected individuals.
- 12.6. Data subjects shall be told:
  - 12.6.1. the nature of the breach;
  - 12.6.2. who to contact with any questions;
  - 12.6.3. measures taken to mitigate any risks.
- 12.7. The Data Protection Officer shall then be responsible for instigating an investigation into the breach, including how it happened, and whether it could have been prevented. Any recommendations for further training or a change in procedure shall be reviewed by the Board of Trustees and a decision made about implementation of those recommendations.

## 13. CONTACT

- 13.1. If anyone has any concerns or questions in relation to this policy, they should contact the Data Protection Officer at [dpo@boleytrust.org](mailto:dpo@boleytrust.org).

## Annex 1: Privacy Notice for Staff

### How we use your information

We process personal data relating to those we employ to work at, or otherwise engage to work for the Boleyn Trust. This is for employment purposes to assist in the running of the Trust and/or to enable individuals to be paid. The collection of this information will benefit both national and local users by:

- improving the management of workforce data across the sector;
- enabling development of a comprehensive picture of the workforce and how it is deployed;
- informing the development of recruitment and retention policies;
- allowing better financial modelling and planning;
- enabling ethnicity and disability monitoring; and
- supporting the work of the Trust Teachers' Review Body.

This personal data includes identifiers such as names and National Insurance numbers and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

We will not share information about you with third parties without your consent unless the law allows us to. We are required, by law, to pass on some of this personal data to:

- our local authority
- the Department for Education (DfE)

If you require more information about how we and/or DfE store and use your personal data, please visit:

- [payroll@npw.uk.com](mailto:payroll@npw.uk.com) (Payroll provider)
- <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you want to see a copy of information about you that we hold, please contact:

#### **Setting**

Cleves Primary School  
 Monega Primary School  
 New City Primary School  
 Ravenscroft Primary School  
 Rosetta Primary School  
 Shaftesbury Primary School  
 Tollgate Primary School

#### **Headteacher**

Sarah Lack  
 Elizabeth Harris  
 Caroline Stone  
 Simon Bond  
 Lindsay Bradbury  
 Geoff Hadlow  
 Emma O'Connor

The Data Protection Officer for the Boleyn Trust can be contacted at: [dpo@boleyntrust.org](mailto:dpo@boleyntrust.org).

## Annex 2: Privacy Notice for Pupils

### Introduction

This notice is to help you understand how and why we collect your personal information and what we do with that information. It also explains the decisions that you can make about your own information.

If you have any questions about this notice, please talk to your Headteacher.

### What is "personal information"?

Personal information is information that the Trust holds about you and which identifies you.

This includes information such as your name, date of birth and address as well as things like exam results, medical details and behaviour records. The Trust may also record your religion or ethnic group. CCTV, photos and video recordings of you are also personal information.

### How and why does the Trust collect and use personal information?

We set out below examples of the different ways in which we use personal information and where this personal information comes from. The Trust's primary reason for using your personal information is to provide you with an education.

Admissions forms give us lots of personal information. We get information from you, your parents, your teachers and other pupils. Your old School also gives us information about you so that we can teach and care for you.

Sometimes we get information from your doctors and other professionals where we need this to look after you.

We collect this information to help the School run properly, safely and to let others know what we do here. Here are some examples:

- We need to tell the appropriate teachers if you are allergic to something or might need extra help with some tasks;
- We use CCTV to make sure the School site is safe. CCTV is not used in private areas such as changing rooms;
- We may need to report some of your information to the government. For example, we may need to tell the local authority that you attend the School or let them know if we have any concerns about your welfare;
- We may need information about any court orders or criminal matters which relate to you. This is so that we can safeguard your welfare and wellbeing and the other pupils at the School.
- If you are from another country, we must make sure that you have the right to study in the UK. We might have to provide information to UK Visas and Immigration who are part of the government;
- Depending on where you will go when you leave us we may need to provide your information to other Trusts/Schools. We may need to pass on information which they need to look after you;
- When you take public examinations, we will need to share information about you with examination boards. For example, if you require extra time in your exams;
- We may need to share information with the police or our legal advisers if something goes wrong or to help with an inquiry. For example, if one of your classmates is injured at School or if there is a burglary;
- Occasionally we may use consultants, experts and other advisors to assist the School in fulfilling its obligations and to help run the School properly. We might need to share your information with them if this is relevant to their work;
- If you have misbehaved in a serious way, and the police have become involved, we may need to use information about the action taken by the police;
- We may share some information with our insurance company to make sure that we have the insurance cover that we need;
- We may share your academic and (where fair) your behaviour records with your parents or education guardian so they can support your Schooling;
- We will only share your information with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally;
- We will monitor your use of email, the internet and mobile electronic devices e.g. iPads. This is to check that you are not misbehaving when using this technology or putting yourself at risk of harm. If you would like more information about this, you can read the ICT Acceptable Use policy or speak to your Headteacher;
- We may use photographs or videos of you for the Trust/School website and social media sites or prospectus to

show prospective pupils what we do here and to advertise the Trust/School. We may continue to use these photographs and videos after you have left the School;

- Sometimes we use photographs and videos for teaching purposes, for example, to record a drama lesson;
- If you have concerns about us using photographs or videos of you, please speak to your Headteacher;
- We publish our public exam results, sports fixtures and other news on the website and put articles and photographs in the local news to tell people about what we have been doing;

If you have any concerns about any of the above, please speak to your Headteacher.

### **Our legal grounds for using your information**

This section contains information about the legal basis that we are relying on when handling your information.

#### **Legitimate interests**

This means that the processing is necessary for legitimate interests except where the processing is unfair to you. The Trust relies on legitimate interests for most of the ways in which it uses your information.

Specifically, the Trust has a legitimate interest in:

- Providing you with an education;
- Safeguarding and promoting your welfare and the welfare of other children;
- Promoting the objects and interests of the Trust. This includes fundraising e.g. if we want to raise money to fund bursaries or new buildings;
- Facilitating the efficient operation of the Trust;
- Ensuring that all relevant legal obligations of the Trust are complied with.

In addition, your personal information may be processed for the legitimate interests of others. For example, we may use information about you when investigating a complaint made by one of your fellow pupils.

If you object to us using your information where we are relying on our legitimate interests as explained above, please speak to your Headteacher.

#### **Legal obligation**

Where the Trust needs to use your information in order to comply with a legal obligation, for example to report a concern about your wellbeing to Children's Services. We may also have to disclose your information to third parties such as the courts, the local authority or the police where legally obliged to do so.

#### **Vital interests**

For example, to prevent someone from being seriously harmed or killed.

#### **Public interest**

The Trust considers that it is acting in the public interest when providing education.

The Trust must also comply with an additional condition where it processes special categories of personal information. These special categories include: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, and information about sex life or orientation

#### **Substantial public interest**

The processing is necessary for reasons of substantial public interest.

#### **Vital interests**

To protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.

#### **Legal claims**

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share

information with our legal advisors and insurers.

### **Medical purposes**

This includes medical treatment and the management of healthcare services.

We may ask for your consent to use your information in certain ways. If we ask for your consent to use your personal information you can take back this consent at any time. Any use of your information before you withdraw your consent remains valid. Please speak to your Headteacher if you would like to withdraw any consent given.

### **Sending information to other countries**

We may send your information to other countries where:

- we store information on computer servers based overseas; or
- we communicate with you or your parents when you are overseas (for example, during the summer holidays if you live in a different country).

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: [http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index\\_en.htm](http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm)

If the country that we are sending your information to is not on the list or, is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland) then it might not have the same level of protection for personal information as there is in the UK.

### **For how long do we keep your information?**

We keep your information for as long as we need to in order to educate and look after you. We will keep some information after you have left the School, for example, so that we can find out what happened if you make a complaint.

In exceptional circumstances we may keep your information for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

We can keep information about you for a very long time or even indefinitely if we need this for historical, research or statistical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the Trust/School.

### **What decisions can you make about your information?**

From May 2018 you will be able to make various decisions about your information. Some of these are new rights whilst others build on your existing rights. Your rights are as follows:

- if information is incorrect you can ask us to correct it;
- you can also ask what information we hold about you and be provided with a copy. We will also give you extra information, such as why we use this information about you, where it came from and what types of people we have sent it to;
- you can ask us to delete the information that we hold about you in certain circumstances. For example, where we no longer need the information;
- you can ask us to send you, or another organisation, certain types of information about you in a format that can be read by computer; and
- our use of information about you may be restricted in some cases. For example, if you tell us that the information is inaccurate we can only use it for limited purposes while we check its accuracy.

Your Headteacher can give you more information about your data protection rights.

### **Further information and guidance**

This notice is to explain how we look after your personal information. Your Headteacher can answer any questions which you might have.

Please speak to your Headteacher if:

- you object to us using your information for marketing purposes e.g. to send you information about Trust/School events. We will stop using your information for marketing purposes if you tell us not to; or

- you would like us to update the information we hold about you; or
- you would prefer that certain information is kept confidential.

The Data Protection Officer is the person responsible at our Trust/School for managing how we look after personal information and deciding how it is shared. If you have any questions you can ask your Headteacher about how it works in our Trust/School. Alternatively, you can ask your parents to speak to us on your behalf if you prefer.

If you consider that we have not acted properly when using your personal information, you can contact the Information Commissioner's Office: [www.ico.org.uk](http://www.ico.org.uk).

The Data Protection Officer for the Boleyn Trust can be contacted at: [dpo@boleyntrust.org](mailto:dpo@boleyntrust.org).

## Annex 3: Privacy Notice for Parents

This notice is to help you understand how and why we collect personal information about you and what we do with that information. It also explains the decisions that you can make about your own information.

If you have any questions about this notice please contact the Headteacher.

### What is personal information?

Personal information is information that identifies you as an individual and relates to you.

This includes your contact details, next of kin and financial information. We may also hold information such as your religion or ethnic group. CCTV, photos and video recordings of you are also personal information.

How and why does the Trust collect and use personal information?

- We set out below examples of the different ways in which we use personal information and where this personal information comes from. The Trust's primary reason for using your personal information is to provide educational services to your child;
- We obtain information about you from admissions forms and from your child's previous School. We may also get information from professionals such as doctors and from local authorities;
- We may have information about any family circumstances which might affect your child's welfare or happiness;
- We may need information about any court orders or criminal petitions which relate to you. This is so that we can safeguard the welfare and wellbeing of your child and the other pupils at the Trust;
- We use CCTV to make sure the Trust site is safe. CCTV is not used in private areas such as toilets;
- We may take photographs or videos of you at Trust/School events to use on social media and on the Trust website. This is to show prospective parents and pupils what we do here and to advertise the Trust/School. We may continue to use these photographs and videos after your child has left the Trust.
- We may send you information to keep you up to date with what is happening at the Trust/School. For example, by sending you information about events and activities taking place (including fundraising events) and the Trust/School newsletter.
- We may use information about you if we need this for historical research purposes or for statistical purposes.

### Financial information

- We will process financial information about you in relation to the payment of fees. In some cases, we get information about you from third parties such as credit reference agencies or from your child's previous Trust/School(s);
- We may hold information about bankruptcy petitions and statutory demands;

### Sharing personal information with third parties

- In accordance with our legal obligations, we may share information with local authorities, the and the Department for Education, for example, where we have any safeguarding concerns;
- On occasion, we may need to share information with the police;
- We may also need to share information with our legal advisers for the purpose of obtaining legal advice;
- Occasionally we may use consultants, experts and other advisors to assist the Trust/School in fulfilling its obligations and to help run the Trust/School properly. We might need to share your information with them if this is relevant to their work;
- If your child is not of British nationality we have to make sure that your child has the right to study in the UK. We might have to provide information about you to UK Visas and Immigration;
- We may share some information with our insurance company, for example, where there is a serious incident at the Trust/School;
- If your child leaves us to attend another Trust/School, we may need to provide that Trust/School with information about you. For example, details of family circumstances for safeguarding reasons;
- We may share information about you with others in your family, such as another parent or step-parent. For example, where this is part of our obligation to take care of your child, as part of our wider legal and regulatory obligations;
- We may need to share information if there is an emergency, for example, if you are hurt whilst on Trust premises.

## **Our legal grounds for using your information**

This section contains information about the legal basis that we are relying on when handling your information.

### **Legitimate interests**

This means that the processing is necessary for legitimate interests except where the processing is unfair to you. The Trust relies on legitimate interests for most of the ways in which it uses your information.

#### **Specifically, the Trust has a legitimate interest in:**

- Providing educational services to your child;
- Safeguarding and promoting the welfare of your child (and other children);
- Promoting the objects and interests of the Trust/School. This includes fundraising. It also includes making sure that we are able to enforce our rights against you, for example, so that we can contact you if unpaid fees are due;
- Facilitating the efficient operation of the Trust/School; and
- Ensuring that all relevant legal obligations of the Trust are complied with.

In addition, your personal information may be processed for the legitimate interests of others. For example...

If you object to us using your information where we are relying on our legitimate interests as explained above, please speak to the Headteacher.

### **Legal obligation**

Where the Trust needs to use your information in order to comply with a legal obligation, for example to report a concern to Children's Services. We may also have to disclose your information to third parties such as the courts, the local authority or the police where legally obliged to do so.

### **Vital interests**

For example, to prevent someone from being seriously harmed or killed.

### **Public interest**

The Trust considers that it is acting in the public interest when providing education.

The Trust must also comply with an additional condition where it processes special categories of personal information. These special categories are as follows: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information, health information, and information about sex life or orientation.

### **Substantial public interest**

The processing is necessary for reasons of substantial public interest.

### **Vital interests**

To protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.

### **Legal claims**

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers.

### **Medical purposes**

This includes medical treatment and the management of healthcare services.

We may ask for your consent to use your information in certain ways. If we ask for your consent to use your personal information you can take back this consent at any time. Any use of your information before you withdraw your consent

remains valid. Please speak to the Headteacher if you would like to withdraw any consent given.

Sending information to other countries

We may send your information to other countries where:

- we store information on computer servers based overseas; or
- we communicate with you or your child when you are overseas (for example, during the summer holidays if you live in a different country).

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: [http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index\\_en.htm](http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm)

If the country that we are sending your information to is not on the list or, is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland) then it might not have the same level of protection for personal information as there is the UK.

### **For how long do we keep your information?**

We keep your information for as long as we need to in order to educate and look after your child. We will keep some information after your child has left the Trust, for example, so that we can find out what happened if you make a complaint.

In exceptional circumstances we may keep your information for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

We can keep information about you for a very long time or even indefinitely if we need this for historical, research or statistical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the Trust/School.

### **What decisions can you make about your information?**

From May 2018 data protection legislation gives you a number of rights regarding your information. Some of these are new rights whilst others build on your existing rights. Your rights are as follows:

- if information is incorrect you can ask us to correct it;
- you can also ask what information we hold about you and be provided with a copy. We will also give you extra information, such as why we use this information about you, where it came from and what types of people we have sent it to;
- you can ask us to delete the information that we hold about you in certain circumstances. For example, where we no longer need the information;
- you can ask us to send you, or another organisation, certain types of information about you in a format that can be read by computer;
- our use of information about you may be restricted in some cases. For example, if you tell us that the information is inaccurate we can only use it for limited purposes while we check its accuracy;

The Data Protection Officer can give you more information about your data protection rights.

### **Further information and guidance**

The Data Protection Officer is the person responsible at our Trust for managing how we look after personal information and deciding how it is shared.

Like other organisations we need to keep your information safe, up to date, only use it for what we said we would, destroy it when we no longer need it and most importantly - treat the information we get fairly.

This notice is to explain how we use your personal information. The Data Protection Officer can answer any questions which you may have.

Please speak to the Data Protection Officer if:

- you object to us using your information for marketing purposes e.g. to send you information about Trust events. We will stop using your information for marketing purposes if you tell us not to; or

- you would like us to update the information we hold about you; or
- you would prefer that certain information is kept confidential.

If you consider that we have not acted properly when using your personal information, you can contact the Information Commissioner's Office [www.ico.org.uk](http://www.ico.org.uk).

The Data Protection Officer for the Boleyn Trust can be contacted at: [dpo@boleytrust.org](mailto:dpo@boleytrust.org).