

# **Privacy Notice for Younger Pupils**

**Reception to Year 6**

**Information for Parents**

July 2020

## **Introduction**

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

As you may know, the School is part of King's College, Cambridge (the **College**). This means that the College is ultimately responsible for how the School uses your child's personal data. However, if you have any questions about this, or about how your child's information is used, you can speak to your child's form tutor at School.

We are giving you this notice because you are able to exercise your child's data protection rights on their behalf. When your child is older (usually when they reach the age of 12) they will be considered mature enough to exercise their own data protection rights.

If you have any questions about this notice please talk to the School Bursar.

## **What is "personal data"?**

Personal data is information that the School holds about your child and which identifies your child.

This includes information such as their date of birth and address as well as things like exam results, medical details and behaviour records. CCTV images, photos and video recordings of your child are also personal data.

## **Where we get your child's personal data from and who we share it with**

We obtain your child's personal data from a number of different sources such as our teachers, parents, your child's previous schools and any future School, other pupils and their parents, as well as from people outside of the School such as the local authority.

We will also share information with these people and organisations.

The sections below contain further information about where we get your child's personal data from and with whom it is shared.

## **The purposes for which we use your child's personal data and the lawful bases**

The School uses your child's personal data in order to:

1. Teach your child and our other pupils;
2. Look after your child and other pupils;
3. Monitor the behaviour of your child and others and to take action where appropriate;
4. Comply with its agreement with you for your child to be at the School;
5. Enable the School to comply with its legal obligations, to assist the School regarding the management and operation of the School and to advance and protect the School's interests, objectives and reputation; and

6. Fundraise, market and promote the School. For example, by using photographs of our pupils in the School prospectus, on the School's website or in social media.

Under data protection law, the School can only use personal data if it has a lawful basis for doing so. The lawful bases that we are relying on when handling your child's information are as follows:

- **Legitimate interests:** This means that the School is using your child's personal data where this is necessary for the School's legitimate interests or someone else's legitimate interests. Specifically, the School has a legitimate interest in complying with its agreement with you for your child to be at the School and promoting the School. Legitimate interests applies to purpose 4 above, and to purposes 5 and 6 in some cases.
- **Public task:** This allows the School to use personal data where doing so is necessary in order to perform a task in the public interest. This basis applies to purposes 1, 2, 3, and to purposes 5 and 6 in some cases. For example, we are performing a task in the public interest when we teach and look after your child.
- **Legal obligation:** The School might need to use your child's information in order to comply with a legal obligation, for example, to report a concern to Children's Services. Occasionally, the School may have a legal obligation to share your child's personal data with third parties such as the court.
- **Vital interests:** In limited circumstances, we may use your child's information to protect your vital interests or the vital interests of someone else. For example, to prevent someone from being seriously harmed or killed.

The section below contains more information about our purposes for using your child's personal data and the lawful bases.

### Our purposes and lawful bases in more detail

This section contains more detail about the purposes for which your child's personal data is used, the applicable lawful basis or bases as well as further information about sources and recipients. It does not say anything different to what is set out above but goes into a lot more detail.

We have used a colour code system so that you can see which bases we are relying on for each of the purposes described at paragraphs 1 to 43 below. **LI** means legitimate interests, **PI** means public task, **LO** means legal obligation and **VI** means vital interests. So where we use **(LI, PI)** that means we are relying on both legitimate interests and public task for that purpose.

- 1 Our primary reason for using your child's information is to provide your child and other pupils with an education (**LO, PI**).
- 2 The School will also use your child's personal data to safeguard and promote your child's welfare and the welfare of others (for example, so that we can look after your child if they are hurt) (**LO, PI, VI**).

- 3 We will use information about your child during the admissions process e.g. when marking entrance exams and considering any information provided on the registration form. We may let your child's previous school know if they have been offered a place at the School as they have a legitimate interest in finding out how what happens to their former pupils as this will help them support their other pupils when they leave the school. The admissions forms which you complete give us personal data about your child such as their name, contact details, disabilities, any particular difficulties they have with work, hobbies and interests, medical information (such as information about an allergy) and family circumstances. We get information from your child, his / her teachers and other pupils. Your child's old school also gives us information about how well your child did and any difficulties they had if we need this information to teach and care for them (LO, PI).
- 4 Sometimes we get information from your child's doctor and other professionals where we need this to look after your child (LO, PI).
- 5 We need to tell all appropriate members of staff if your child has a health issue (LO, PI).
- 6 We will tell your child's teachers if he or she has special educational needs or requires extra help with some tasks (LO, PI).
- 7 We will need to share information about your child (e.g. about their health and wellbeing) with the School Nurse (LO, PI, VI).
- 8 If we have information that your child suffers from an allergy we will use this information so that we can look after your child (LO, PI, VI).
- 9 If we have information that your child suffers from a disability we will use information about that disability to provide support (LO, PI).
- 10 Where appropriate, the School will have information about your child's religious or other beliefs and practices. For example, if your child does not eat certain foods (LO, PI).
- 11 We use CCTV to make sure the School site is safe. Images captured of your child via CCTV will be your child's personal data. CCTV is not used in private areas such as changing rooms (PI).
- 12 We will use your child's personal data to take other steps to make sure the school site and buildings are safe, for example, we keep a record of who is on the school site at any given time (PI).
- 13 We record your child's attendance and if he or she has time away from the School we record the reason(s) why (LO, PI).
- 14 We will need to report some of your child's information to the government (e.g. the Department for Education). We will need to tell the local authority that your child attends the School, if your child leaves the School or let them know if we have

- any concerns about your child's welfare. The local authority may also share information with us for these reasons (LO, PI).
- 15 We may need to share information about your child with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the School (LO).
- 16 The School is a charity which means that in exceptional circumstances we may need to share your child's information with the Charity Commission e.g. in the event of a serious incident (LO, PI).
- 17 When we are inspected by the Independent Schools Inspectorate, we will have to make your child's information available to the inspectors to assist them with their inspection (LO, PI).
- 18 If the School receives a complaint or grievance which involves your child we will need to use their information to deal with this appropriately. For example, if you make a complaint or if another parent complains about an issue which involves your child (LO, PI).
- 19 The School may share information about your child with the local authority for the purpose of the preparation, implementation and / or review of your child's Statement of Special Educational Needs or Education Health and Care Plan (PI, LO).
- 20 We may use your child's information in connection with legal disputes (LI, LO).
- 21 We are legally required to provide the Department for Education with certain information about your child. Some of this information will be stored on the National Pupil Database. Organisations can request information from the National Pupil Database which includes information about your child. However, they are only allowed to do this for limited purposes and they must be very careful about how they use your child's information. More information can be found here - <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information> (PI, LO).
- 22 We will need information about any court orders or criminal petitions which relate to your child. This is so that we can safeguard your child's welfare and wellbeing and the other pupils at the School (LO, PI).
- 23 If your child is from another country we have to make sure that they have the right to study in the UK. Sometimes the government will ask us to provide information as part of our reporting requirements. In addition to this we have a duty to provide information about your child to UK Visas and Immigration (LO, PI).
- 24 Depending on where your child will go when they leave us, we will provide their information to their next school. For example, we will share information about your child's exam results and provide references (LO, PI).
- 25 If your child has a safeguarding file, we are legally required to pass this file to their next school (LO, PI).

- 26 We may need to share information with the police or our legal advisers if something goes wrong or to help with an enquiry. For example, if one of your child's classmates is injured at School or if there is a burglary (LO, PI).
- 27 We use consultants, experts and other advisors to assist the School in fulfilling its obligations and to help run the School properly. We will share your child's information with them if this is relevant to their work (LO, LI).
- 28 If your child has misbehaved in a serious way, we may need to share information with the police and we may need to use information about the action taken by the police (LO, PI).
- 29 We may share some information with our insurance company to make sure that we have the insurance cover that we need or in connection with an actual or possible claim (LI, LO).
- 30 If the School is dealing with a request for information, query, complaint or grievance (e.g. from a parent) we may need to share your child's information with other parties if it is relevant and appropriate to do so. For example, with the appropriate staff, pupil or parent involved and governors (LI, PI).
- 31 If you are based outside of the UK and have appointed an agent to act on your behalf during the admissions process (an overseas agent), then we may share information about your child with them. For example, we may send them the acceptance letter so that they can pass this on to you (LI).
- 32 We will share your child's academic and (where fair) their behaviour records with you or their education guardian so you can support their schooling (LO, PI).
- 33 If ever in the future, we are considering restructuring the charity which operates the School, we may share your child's information with the other parties involved and with the relevant professional advisors (LI).
- 34 We will monitor your child's use of email, the internet and mobile electronic devices e.g. iPads. In certain circumstances we will look at the content of your child's communications (e.g. emails and text messages). This is to check that your child is not misbehaving when using this technology or putting themselves at risk of harm. If you would like more information about this you can read the *Acceptable Use of ICT Policy for Pupils* or speak to your child's form tutor (LO, PI). The monitoring we do is carried out using computer software which will automatically tell us if something isn't right.
- 35 We may use photographs or videos of your child for the School's website and social media sites or prospectus to show prospective pupils what we do here and to advertise the School. We will continue to use these photographs and videos after your child has left the School (LI, PI).
- 36 Sometimes we use photographs and videos for teaching purposes, for example, to record a drama lesson (LI, PI). If you have any concerns about us using photographs or videos of your child please speak to your child's form tutor.

- 37 We publish our sports fixtures and other news on the website to tell people about what we have been doing (LI).
- 38 We will keep details of your child's address when they leave so we can keep them updated about what is happening at the School, to tell them about events and activities and find out how they are getting on. We may also pass their details onto the alumni organisation, which is called King's College School Association (KCSA) (LI).
- 39 The School must make sure that its computer systems are working well and are secure. This may involve information about your child, for example, our anti-virus software might scan files containing information about your child (PI).
- 40 From time to time, we use a third party to provide activities such as an external sports coach. We may share your child's information with them, for example, to tell them what sports they are good at (PI).
- 41 Some of the records the School keeps and which contain your child's personal data may be used by the School (or by someone else such as the government) to check that the School has been a good school (PI).
- 42 We also keep some information indefinitely for archiving purposes (this is known as "archiving in the public interest" under data protection law) and for historical research purposes. This includes the School's legitimate interest in research; supporting long-term accountability; enabling the discovery and availability of the School's and the wider school community's identity, memory, culture and history; enabling the establishment and maintenance of rights and obligations and of precedent decisions; educational purposes; and commercial and non-commercial re-use. For example, we keep some old photographs so that we have a record of what the School was like in the past. Information held in our archive may be made publicly available but this would only be done in compliance with data protection laws (LI, PI).
- 43 We will share your child's information with governors of the School if it concerns something they should know about or which will enable them to fulfil their role as a school governor. For example, this will apply if your child has done something really well or if there is a problem at the School they need to know about (LO, PI).

We will only share your child's 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.

As you will see from the information above, in some cases we will rely on more than one lawful basis for using of your child's information. In addition, we may move from one of the lawful bases listed above to another as circumstances change. For example, as a safeguarding matter becomes more serious, we may start to rely on "legal obligation" to share personal data with the local authority in addition to the other lawful bases that are noted for safeguarding purposes.

We use contractors to handle personal data on our behalf for the following purposes:

- a) IT consultants who might access information about you when checking the security of our IT network;
- b) We use software, apps and websites to help us with teaching, and to help us provide pastoral support to our pupils; and
- c) we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the School site.

If you have any questions about any of the above, please speak to your child's form tutor.

The School has extra obligations in relation to some types of more sensitive personal data. This applies to information about racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, information about sex life or orientation, information about criminal convictions or offences. When the School handles these types of information it will usually be doing so because:

- It is in the substantial public interest to do so, for example, to provide your child with an education, to look after your child and your child's classmates or when the School is inspected.
- For medical purposes. This includes medical treatment and the management of healthcare services.
- The School is an employer (e.g. we employ our teachers). Also, the School will use your child's information to comply with social protection law (e.g. to look after your child) and social security laws. Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.
- To protect the vital interests of any person where that person cannot give consent, for example, if they are seriously hurt and are unconscious.
- It is necessary for the establishment, exercise or defence of legal claims. For example, this allows us to share information with our legal advisors and insurers.

## **Consent**

We may ask for your consent to use your child's information in certain ways as an alternative to relying on any of the bases in the table above. For example, we may ask for your consent before taking or using some photographs and videos if the photograph or video is more intrusive and we cannot rely on legitimate interests. If we ask for your consent to use your child's personal data you can take back this consent at any time.

Any use of your child's information before you withdraw your consent remains valid. Please speak to your child's form tutor if you would like to withdraw any consent given.

## **Sending information to other countries**

In certain circumstances we may send your child's information to countries which do not have the same level of protection for personal data as there is in the UK. For example, we may store your child's information on cloud computer storage based overseas.

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en).

If the country that we are sending your child's 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 data as there is in the UK.

We will provide you with details about the safeguards which we have in place outside of this privacy notice. If you have any questions about the safeguards that are in place please contact the School Bursar.

### **For how long do we keep your child's information?**

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

In some cases we may keep your child's 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.

### **What decisions can you make about your child's information?**

Data protection legislation allows you to exercise a number of rights regarding your child's personal data. The rights are as follows:

- **Correction:** if personal data held by the School about your child is incorrect you can ask us to correct it.
- **Access:** you can also ask what personal data we hold about your child and be provided with a copy. This is commonly known as making a subject access request. We will also give you extra information, such as why we use this personal data about your child, where it came from and what types of people we have sent it to.
- **Deletion:** you can ask us to delete the personal data that we hold about your child in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your child's personal data to you or to a third party in a format that can be read by computer in certain circumstances. This applies where (a) the information has been provided by you; (b) the basis that we are relying on to process your child's personal data is consent or contract (please see "Our lawful bases for using your information" above); and (c) the personal data is being processed by us on computer.
- **Restriction:** you can request that we restrict how we use your child's personal data.
- **Object:** you may object to us using your child's personal data where:
  - we are using it for direct marketing purposes;

- the lawful basis on which we are relying is either legitimate interests or performance of a task carried out in the public interest. Please see the section "Our lawful bases for using your child's personal data" above;
- If we ever use your child's personal data for scientific or historical research purposes or statistical purposes.

The School Bursar can give you more information about your child's data protection rights.

### **Further information and guidance**

This notice is to explain how we look after your child's personal data.

The College's Data Protection Officer is the Office of Intercollegiate Services Ltd, 12B King's Parade, Cambridge; 01223 768745; college.dpo@ois.cam.ac.uk. However, the School Bursar can answer any questions which you might have in relation to how the School uses personal data.

Like other organisations we need to keep your child's personal data 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 personal data we get fairly.

Please speak to the School Bursar if:

- you would like to exercise any of your child's rights listed above; or
- you would like us to update the information we hold about your child; or
- you would prefer that certain information is kept confidential.

If you or your child fails to provide certain information when requested, we may not be able to perform our obligations under the contract we have entered into with you. We may also be prevented from complying with our legal obligations (such as to ensure the welfare of your child and their classmates). Failing to provide information may also adversely affect the education and care we are able to provide to your child.

You have a right to lodge a complaint with a data protection supervisory authority. The supervisory authority in the UK is the Information Commissioner's Office ([ico.org.uk](https://ico.org.uk)). If you do have any concerns about how we have handled your child's personal data we would kindly ask that you contact us in the first instance before you speak to the ICO so that we have an opportunity to put things right.