



Rossall

INSPIRING EXCELLENCE

GDPR PRIVACY NOTICE

(FOR PUPILS, PARENTS, GUARDIANS, AND ALUMNI)

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COVID-19 RELATED PROCESSING

While pandemic conditions persist, the school may need to collect, share and otherwise process personal data in accordance with Government guidance. This may be for reasons not specifically set out in this Privacy Notice but always for the purposes of protecting public and individual health by seeking to limit the spread of coronavirus (COVID-19).

WHO WE ARE

The Corporation of Rossall School is a charitable organisation, registration number 526685. For day to day operations and communications, The Corporation of Rossall School is referred to as Rossall School (herein referred to as the "School")

The School is a coeducational independent school for children aged between 0 and 18 years. Its primary function is the education and wellbeing of its pupils.

For the purposes of this Privacy Notice, the School includes the Rossall Foundation a separate charity, registration number 5585637 and the Old Rossallian Club which is a separate alumni organisation. It also includes Rossall Enterprise which is its trading subsidiary (Company Registration Number 02028626).

The School is the Data Controller for the purposes of Data Protection Law ¹ which means it determines how an individual's personal data is processed and for what purpose. The School's ICO registration number is Z9394266.

WHAT THIS PRIVACY NOTICE IS FOR

This Privacy Notice is intended to provide information about how the School will use (or "process") personal data about individuals including: its staff ², its current, past and prospective pupils and their parents, carers or guardians (referred to in this policy as "parents"). Collectively, we refer to these individuals as the School's community.

This information is provided because Data Protection Law gives individuals rights 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. However, the School has a separate Data Protection Policy and Privacy Notice applicable to its employees and other staff.

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 EYFS acceptable use of mobile phones, cameras and recording devices
- the School's CCTV policy;
- the School's Record Keeping Policy;
- the School's Pupil Sanction Records;
- the School's safeguarding, pastoral, low level concerns or health and safety policies, including as to how concerns or incidents are recorded; and
- the School's IT policies, including its Acceptable Use policy, eSafety policy Pupils use of ICT, Mobile Phones and Electronic Devices 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 this Privacy Notice and the School's Data Protection Policy for staff, which also provides further information about how personal data about those individuals will be used.

¹ The relevant legislation includes both the General Data Protection Regulation, as retained and applied in the UK ("UK GDPR"), and the UK Data Protection Act 2018, as well as other supporting legislation (e.g. e-Privacy, direct marketing). However, depending on how the School has chosen to present its policy, it may set the wrong tone to start making immediate reference to black-letter law: a hyperlink or footnote may serve as well.

² School Staff includes employed staff, self-employed persons, volunteers and governors

RESPONSIBILITY FOR DATA PROTECTION

The School has appointed Miss Kirstie Allen, Data Manager as the Data Protection Co-ordinator who will deal with all your requests and enquiries concerning the School's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

Requests and enquiries should be sent to the Data Protection Co-ordinator at datamanager@rossall.org.uk or Rossall School, Broadway, Fleetwood, FY7 8JW

WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, pupils and parents, the School needs to process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) 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 or obligations – including those under a contract with its staff, or parents of its pupils.

Other uses of personal data will be made in accordance with the School's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

The School expects that the following uses will fall within that category of its (or its community's) "**legitimate interests**":

- 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;
- To assess means-tested bursary applications, in order to make fee remission awards;
- For the purpose of determining the suitability of awarding a Scholarship;
- For the purposes of keeping in touch with parents, alumni and other members of the School community to keep them updated about activities, including sending updates and newsletters, by email and by post;
- Maintaining relationships with alumni and the School community, including direct marketing or fundraising activity;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax, diversity or gender pay gap analysis);
- 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, including cognitive ability testing, and to publish the results of public examinations or other achievements of pupils of the School;

- To ascertain whether any person is a 'Blocked Person' under UK Economic Sanctions laws, UK anti-money laundering law, or UK Anti-Corruption laws.
- To safeguard pupils' health and welfare and provide appropriate pastoral care;
- 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 policy;
- For regulatory record keeping/compliance purposes in respect of immigration requirements, as a visa sponsor;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School.

In addition, the School will on occasion need to process **special category personal data** (concerning health, ethnicity, religion, 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. These reasons will include:

- 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 or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs;
- To comply with public health requirements in respect of Covid-19 (or similar) testing: including managing on-site testing and/or processing the results of test taken by pupils or other members of the School community, and sharing this information with relevant health authorities;
- 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;
- To run any of its systems that operate using ID badges, such as for security and other forms of pupil identification;
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEND, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring, health and safety and immigration/visa sponsorship compliance) and to comply with its legal obligations and duties of care.

THE SCHOOL WILL PROVIDE ADDITIONAL NOTIFICATION OUTSIDE THE PRIVACY NOTICE AND IN SOME CASES SEEK TO OBTAIN CONSENT

- **Direct Marketing:** this includes communications promoting the "aims and ideals" of the School as well as communications about fundraising activities, with strict consent rules where it is sent by electronic means (e.g. email or SMS) or if the School wants to make marketing calls to parents or alumni;
- **Examination Results:** the School will separately inform pupils and parents (and provide an opportunity to raise any objections) where it intends to publish exam results other than on an anonymous basis (e.g. if released to the media or on a publicly accessible website/notice board);

- Covid-19: the School will request and collect information concerning vaccination status, covid health status of pupils and other members of the School Community;
- Monitoring emails, internet and telephone usage: strict rules apply to monitoring of pupil internet use, emails and calls (except where this is done on an anonymous basis, e.g to monitor email or internet traffic within the School as a whole). Although KCSIE prescribes that schools have in place appropriate filtering and monitoring for the purposes of safeguarding, this will not be used as a basis to allow casual or routine interception of communications, notably calls and messaging. However, monitoring may become justifiable in certain circumstances in compliance with KCSIE.;
- Using certain types of Special Category Personal Data: the School will seek explicit consent to hold and use Special Category Personal Data when there is a need to obtain this data;
- Unexpected or intrusive uses of images of pupils: certain uses, such as CCTV or school photography for use in the School's own internal media (notice boards management information system, Identity Cards, etc) or "community" media (e.g. its publications, newsletters), are considered to be part of the legitimate interest of the School. However for use in external media (website, social media, press release and prospectus), the School will seek consent. Please remember that, once given, consent may be withdrawn at any time;
- Remote Learning Provision: The School has carefully selected remote learning platforms that uphold the highest of standards with regards to security and protection of our pupils and their personal data. Platforms include Google Classroom and Zoom. Further information on how each platform protects your personal data can be found on their respective websites.

TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about parents (or others) who pay fees to the School, and any anti-money laundering information we are required to collect by law;
- current, past, and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- Child Protection records (where applicable)
- nationality and other immigration status information (eg right to study), including copies of passport information;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin, which includes medication and visits to the School's medical centre;
- references given or received by the School about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning staff, pupils and parents past and present; and
- images of pupils (and occasionally other individuals) engaging in school activities, and images captured by the School's CCTV system (in accordance with the School's policy on taking, storing and using images of children);
- Pupil photograph will be used in the School Management information system and on their School lanyard;
- Alumni data

HOW THE SCHOOL COLLECTS DATA

Generally, the School receives personal data from the individual directly (including, in the case of pupils, from their parents, guardians or representatives). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments).

However in some cases personal data will be supplied by third parties (for example another School, or other professionals or authorities working with that individual); or collected from publicly available resources.

For International individuals the School will receive data from outside the UK.

- EEA individuals data is covered by the EU GDPR adequacy decision which allows the School to continue to process data to and from the EEA in accordance with GDPR guidelines.
- Individuals outside of the EEA will have their data collected and processed using UK GDPR principles and adequate levels of protection.

The School will only transfer data outside the UK if the country is covered by the Adequacy decision, has adequate levels of protection and safeguards or under restricted transfer exception

- Individual has consented to the transfer of personal data
- The School has a contract or requires the data to be able to entering into a contract with the individual(s)

WHO HAS ACCESS TO PERSONAL DATA AND WHO THE SCHOOL SHARES IT WITH

Processing by third parties: For the most part, personal data collected by the school will remain within the School, and will be processed by appropriate individuals only in accordance with access protocols. However, some functions are outsourced including cloud storage, mailing, apps, and software for use in the classroom. This type of external data processing is always subject to contractual assurances that personal data will be kept securely and used only in accordance with the School's specific directions, and in accordance with the Data Protection Law.

Data sharing: Occasionally, the School will need to share personal information relating to its community with third parties, such as:

- The School doctor;
- professional advisers (e.g. lawyers, insurers, PR advisers, accountants, visa consultants);
- government authorities (e.g. HMRC, DfE, police, Home Office, a relevant public health/NHS body and/or the local authority);
- examination boards;
- trip and tour operators;
- School transport providers;
- appropriate regulatory bodies e.g. the Teaching Regulation Agency, the Independent Schools Inspectorate, the Charity Commission or the Information Commissioner;
- Scholarship and Fee Remission Trusts, which is usually by way of consent;
- Rossall Foundation and The Rossallian Club; and
- The School's Friends of Rossall and School Governors.

ACCESS TO SENSITIVE DATA

Particularly strict rules of access in the context of “special category” data, most notably:

- medical records; and
- pastoral or safeguarding files.

Medical data. The School needs to process such information to comply with statutory duties and to keep pupils and others safe, but the school will ensure only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for school trips or for catering purposes. Express consent will be sought where appropriate.

However, a certain amount of any medical, pastoral and SEND pupil’s relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

Safeguarding data. 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 is likely to 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 and Child Protection Policy.

For the purposes of maintaining a safe and secure environment, the School reserves the right to monitor all internet traffic through its filtering systems and all domain joined devices through e-Safe monitoring software and services

HOW LONG WE KEEP 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. Typically, the legal recommendation for how long to keep ordinary staff and pupil personnel files is up to 7 years following departure from the School. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements (eg IICSA).

If you have any specific queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact Data Protection Co-ordinator at datamanager@rossall.org.uk. However, please bear in mind that the School will often have lawful and necessary reasons to hold on to some personal data even following such a request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

Please refer to the School’s Record Keeping Policy for further details.

KEEPING IN TOUCH AND SUPPORTING THE SCHOOL

The School, Rossall Foundation and The Rossallian Club 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, SMS, App and by post. Unless the relevant individual objects, the school will also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the School community, such as the Friends of Rossall;
- Contact parents and/or 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 Data Protection Co-ordinator in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the School is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

YOUR RIGHTS

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the School, and in some cases ask for it to be erased or amended or have it transferred to others, or for the School to stop processing it, but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the Data Protection Co-ordinator at datamanager@rossall.org.uk.

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, but actually fulfilling more complex requests may take 1-2 months longer).

Rights of access, etc: The School will be better able to respond quickly to smaller, targeted requests for information made during term time. If the request for information is manifestly excessive or similar to previous requests, the School may ask you to reconsider, or require a proportionate fee for the administrative costs of complying with the request, or in certain cases refuse the request (but only where Data Protection Law allows it, and in accordance with relevant and regulatory guidance).

If you consider that the personal data we hold about you is inaccurate, please let us know. However the school will not necessarily delete or amend views, opinions, notes or records purely on the request of an individual who disputes the account, although we may keep a records of all parties; viewpoints.

Requests that cannot be fulfilled: You should be aware that GDPR rights (including the right of access) are limited to your own personal data, and certain data is exempt. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the School, or documents prepared in connection with a legal action, or where a duty of confidence is owed by a legal adviser).

The School is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers, potentially including in mock exam scripts or other types of exams/tests used to assess performance - although markers' comments may still be disclosable if they constitute pupil personal data). The School is also not required to provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the School itself for the purposes of the education, training or employment of any individual.

You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. Generally, if the School still considers the processing of personal data to be reasonably necessary, it is entitled to continue. All such requests will be considered on their own merits.

Requests by or on behalf of Pupils: 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 (see section **Whose Rights?** below). A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.

Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's. For older pupils, the parent making the request may need to evidence their child's authority for the specific request. Requests not considered in the child's best interests may sometimes be refused.

Pupils at Rossall School aged 13 and above 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. Pupils younger than 13 may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances. Therefore the School will consider all subject access requests from pupils on a case by case basis.

Parental requests, etc: It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about pupils without their consent. The School may consider there are lawful grounds for sharing with or without reference to that pupil.

Parents will in general receive educational and pastoral updates about their children, in accordance with the Parent Contract. Where parents are separated, the School will in most cases aim to provide the same information to each person with parental responsibility, but may need to factor in all the circumstances including the express wishes of the child, court orders, or pastoral issues.

All information requests from, on behalf of, or concerning pupils – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

Consent: 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). Examples where we do rely on consent are: e.g. certain types of uses of images, certain types of fundraising activity. Please be aware however that the School may not be relying on consent but have another lawful reason to process the personal data in question even without your consent.

That reason will usually have been asserted under this Privacy Notice, or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation such as an alumni or parents' association has been requested).

Whose rights? The rights under Data Protection Law belong to the individual to whom the data relates. However, the School will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils – for example, under the parent contract, or via a form. Parents and pupils should be aware that this is not necessarily the same as the School relying on strict consent (see section on Consent above).

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the pupil's age and understanding – to seek the pupil's consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

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. That is 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.

Pupils are required to respect the personal data and privacy of others, and to comply with the E-Safety Policy - Appendix B, Pupils use of ICT, Mobile Phones and Electronic Devices Policy, Social Media Policy for pupils, and the School rules. Staff are under professional duties to do the same covered under the relevant E-Safety Policy - Appendix A

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 please notify the data office by email data@rossall.org.uk of any significant changes to important information, such as contact details, held about them. Responsibility for changes in information relating to the individual rests with the individual, in relation to students this rests with the parent.

An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the School may need to process your data, and who you may contact if you disagree.

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.

THIS POLICY

This Privacy Notice will be reviewed by the School annually and if legislation changes. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the Data Protection Co-ordinator using the email address datamanager@rossall.org.uk or by post to Rossall School, Broadway, Fleetwood, FY7 8JW

If an individual believes that the School has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the School complaints procedure and should also notify the Data Protection Co-ordinator. You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the School before involving the regulator.

Related Policies and Procedures

- Record Keeping Policy (*W16*)
- Recording and Reporting Accidents to staff, pupils and visitors
- EYFS acceptable use of mobile phones, cameras and recording devices
- Taking, Storing and Using Images of Children (*W22*)
- Pupils Use of ICT, Mobile Phones and Electronic Devices Policy (*W18*)
- E-safety Policy; (*W10*) including
 - Acceptable use Policy for Staff (appendix A);
 - Acceptable usage policy for Pupils (appendix B)
- Social Media policy for pupils; (*W12*)
- Social Media policy for staff; (*W11*)
- Safeguarding and Child Protection Policy; (*W06*)
- Low Level Concerns Policy (*W28*)
- Data Protection Policy - Staff (*W17*)
- Health and Safety Policies; (*W14*)
- School Rules
- Pupil Sanctions Records Procedure
- Reports and references