

Privacy Policy

Introduction

This policy is intended to provide information about how and why West House School collects and uses (or "process") personal data about individuals including: its staff; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided because Data Protection Law (namely the Data Protection Act 2018 and the EU General Data Protection Regulation) 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.

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 handling of DBS Certificates and recruitment of ex-offenders policies.
- the school's CCTV and/or biometrics policy;
- the school's retention of records policy;
- the school's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- the school's ICT policies, including its Acceptable Use policy, E-Safety policy, including WiFi policy, Remote Working policy and Bring Your Own Device policy.

Anyone who works for, or acts on behalf of, the school (including staff, volunteers, governors and service providers) should also be aware of and comply with the school's Privacy Notice for Staff which also provides further information about how personal data about those individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

- Headmaster: Mr Alistair M.J. Lyttle
- Chair of Governors: Mr J Gittins

- Bursar

Mrs A Doyle

If you have any questions regarding this notice, please contact the Bursar. The Bursar will deal with your requests and enquiries concerning the school's uses of your personal data. The Bursar can be contacted at the school address or via adoyle@westhouseprep.com

West House School's registered address is 24 St James's Road, Edgbaston, Birmingham B13 2NX.

The School is registered with Companies House. Registered number: 00634981

The School is also registered with the Charity Commission. Registered number: 528959

And with the Information Commissioner's Office (ICO). Our registration number is: Z1732152

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, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Maintaining relationships with alumni and the school community, including direct marketing or fundraising activity;

- For the purposes of 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 or diversity);
- To enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils;
- To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils of the school;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- 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;
- 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, including in the event of any prospective or actual legal claims, and insurance for the school.

In addition, the school will on occasion need to process special category personal data (this may relate to health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons may 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 provide educational services in the context of any special educational needs of a pupil;
- To provide spiritual education in the context of any religious beliefs;
- In connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans;
- To run any of its systems that operate on biometric data, such as for security and other forms of pupil identification (lockers, lunch etc.);
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL

This will include by way of example:

Pupils, Parent and Staff:

- Personal contact information, such as names, addresses, telephone numbers, e-mail addresses and other contact details;
- correspondence with and concerning staff, pupils and parents past and present
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- Special category information, such as, ethnicity, language, nationality, country of birth.
- 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);

Pupils: past, present and prospective;

- Birth certificate on entry into EYFS
- Admission and attendance information, recording absences and lateness
- Assessment data, such as baseline information, classwork, tests and examinations, marks for homework and external examination data including results.
- Medical and Health care information.
- Information relating to Special Educational Needs and Disabilities.

- Pastoral information relating to behaviour and safeguarding to provide appropriate pastoral care
- Next school destinations
- 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;

Parents:

- Bank details and other financial information, for the process of the payment of school fees to the school;
- Occupational information collected on admission entry form.

Staff:

- personnel files, including in connection with academics, employment or safeguarding,
- Identity documents, such as a passport and proof of address,
- National Insurance number
- Financial information, such as bank account, for processing pay
- Where appropriate, information about health, absenteeism, sick leave,
- Emergency contact details for next of kin
- References given or received by the school
- Car details for the school onsite parking facilities.

HOW THE SCHOOL COLLECTS DATA

Generally, the school receives personal data from the individual directly (including, in the case of pupils, from their parents). 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.

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

During normal and occasional activities in the course of the school day we routinely share personal data with:

- Other educational establishments, which a pupil may have attended prior to joining the school or may attend after leaving the school;
- The Department of Education (DfE);
- The Independent School Inspectorate (ISI);
- The Qualification and Curriculum Authority (QCA);
- Ofsted;
- The Independent Schools Council (ISC);
- The Department of Health and Primary Care Trusts;
- The West House Old Boys' Association;
- Professional advisers;
- Other government authorities (HMRC, the police);
- The Charity Commission;
- The Information Commissioner.

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 (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records held and accessed by the school nursing team, or otherwise in accordance with express consent; and
- pupil pastoral records and/or safeguarding files.

However, a certain amount of any SEN 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.

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 Child Protection Safeguarding Policy.

The school also records low-level concerns which do not necessarily meet the statutory threshold and the Designated Safeguarding Lead retains the record.

Finally, in accordance with Data Protection Law, some of the school's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the school's specific directions.

STORING PERSONAL INFORMATION

The school will retain personal information securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Details of the length of time we store information can be found in the school's document retention schedule.

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 the Bursar. 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 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").

TRANSFERRING DATA OVERSEAS

We do not intend to transfer your personal data outside the EU.

KEEPING IN TOUCH AND SUPPORTING THE SCHOOL

The school will use the contact details of parents, alumni and other members of the school community to keep them updated about the activities of the school, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the school 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 West House Old Boys Association (WHOBAs) (alumni) and the West House Parents Association (WHPA);
- Contact parents and/or alumni including via the WHOBAs 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 Bursar 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) and in some cases may have another lawful basis on which it processes your data, which you will be notified of.

YOUR RIGHTS

You have rights when it comes to how we handle your Personal Data. These include rights to:

- (a) receive certain information about our processing activities;
- (b) request access to Personal Data that we hold;
- (c) prevent our use of Personal Data for direct marketing purposes;
- (d) ask us to erase Personal Data if it is no longer necessary in relation to the purposes for which it was collected or processed or to rectify inaccurate data or to complete incomplete data;
- (e) restrict processing in specific circumstances;
- (f) challenge processing which has been justified on the basis of our legitimate interests or in the public interest;
- (g) request a copy of an agreement under which Personal Data is transferred outside of the EEA;
- (h) object to decisions based solely on Automated Processing, including profiling (ADM);
- (i) prevent processing that is likely to cause damage or distress to you or anyone else;
- (j) be notified of a Personal Data Breach which is likely to result in high risk to your rights and freedoms;
- (k) make a complaint to the supervisory authority; and
- (l) in limited circumstances, receive or ask for your Personal Data to be transferred to a third party in a structured, commonly used and machine-readable format.

Any individual wishing to exercise any of the above should put their request in writing to the Bursar.

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 of one month in the case of requests for access to information.

The school will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the school may ask you to reconsider, or require a proportionate fee but only where Data Protection Law allows it.

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. 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).

The school is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), 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. All such requests will be considered on their own merits.

- Pupil requests

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.

Pupils 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. Slightly younger children may, however, be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

- 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 Standard Terms and Conditions. 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.

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 include 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 school's E-Safety and Acceptable Usage Policies, along with the school's Code of Conduct. Staff are under professional duties to do the same covered under the E-Safety and Acceptable Usage Policies, along with the Staff Code of Conduct.

AUTOMATED DECISION MAKING

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

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 school office of any significant changes to important information, such as contact details, held about them.

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, of 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.

The school will update this Privacy Notice from time to time. This Privacy Notice is non-contractual. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

Further information and guidance, queries or complaints

This notice is to explain how we look after your personal information. The Bursar can answer any questions you may have.

If you believe that the school has not complied with this policy or acted otherwise than in accordance with Data Protection Law, you should utilise the school complaints / grievance procedure and should also notify the Bursar. 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.

Reviewed April 2020