



Derby
Grammar
School

Bringing education to life.

Privacy Notice

Academic year: 2020-21

Who we are

We, Derby Grammar School, Rykneld Road, Littleover, Derby DE23 4BX are a data controller for the purposes of the Data Protection Act. We take our responsibilities as a data controller seriously and are committed to using the personal data we hold in accordance with the law.

This privacy notice provides detailed information about how we process personal data. Please read it carefully and, if you have questions regarding your personal data or its use, please contact the Chief Privacy Officer by email on compliance@derbygrammar.org; by telephone on 01332 523027; or, by post at Derby Grammar School, Rykneld Road, Littleover, Derby, DE23 4BX.

What is this policy for?

This policy is intended to provide information about how the school will use (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 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;
- any policies or notices applicable to staff concerning the handling of personal data;
- the school's policy on [taking, storing and using images](#) of children;
- the school's [data retention policy](#);
- the school's [CCTV policy](#);
- the school's [safeguarding, pastoral and health and safety policies](#), including as to how concerns or incidents are recorded; and
- the school's [IT policies](#), including its Acceptable Use policy, Social Media policy and eSafety policy

Last reviewed: GRE/January 2021

Next review due: September 2021

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.

Responsibility for Data Protection

The School has appointed Sarah Green as Chief Privacy Officer who will deal with all your requests and enquiries concerning the school's use 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.

Why the School needs to process personal data

In order to carry out its ordinary duties to staff, pupils and parents, the school may process a wide range of personal data 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 may fall within that category of its “**legitimate interests**”:

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents, and retain a record if appropriate for the purposes of future applications or openings);
- To provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Maintaining relationships with alumni and the school community, including prospective parents, and including direct marketing or fundraising activity;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors, 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 diversity or gender pay gap analysis and taxation records);
- To enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils;

- To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils of the school;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- 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 parental or pupil consent and the school's policy on [taking, storing and using images](#) of children;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process;
- For security purposes, including CCTV in accordance with the school's [CCTV policy](#); 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 may need to process **special category personal data** (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. 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 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 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;
- As part of any school or external complaints, disciplinary or investigating process that involves such data, for example if there are SEND, health or safeguarding elements;
- In connection with employment of its staff, for example DBS checks, welfare or pension plans; 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.

We will use the information you give to us to pursue the following legitimate interests:

- To deliver educational services to your child;
- To protect the welfare of your child, promote the objects and interest of our schools, ensure the most efficient management of the schools and ensure that the schools' legal obligations are adhered to;
- To store this information on the school's chosen management information system;
- To use your child's photograph as part of a manual ID system on the school management information system;

- To use your child's photograph internally within the school for display in school halls or classrooms;
- To manage any queries or disputes you or your child may have with us or that we have with you or your child;
- To enforce our terms of use with you or any other contract we may have with you (including the parent contract);
- To provide you with information about other similar services (for example, after school clubs or open days) we offer as part of the education and overall development of your child at the school;
- Once your child has left the school, to keep you up to date with key school news and upcoming events; and
- Our schools also rely on software applications and other technology to process personal data about you and your children. These include the school's management information system, virtual learning environments (including the setting of tasks and homework), revision tools, email messaging communications, assessments of pupils' progress and co-ordination of school trips. The third parties we use to deliver these applications are carefully chosen and vetted by us to ensure that, among other things, your and your child's personal data is kept secure. For further information on the kind of technology we use, please contact our Chief Privacy Officer.

We will also use the information you give to us as is necessary to carry out our obligations arising from the contract (or potential contract) between you and us and to provide you with the information and services that you request from us. For example, we will provide education services to your child and will use personal data where necessary to deliver these services. We will also use your personal information to invoice you for our services pursuant to the contract between you and us. We will also require a certain amount of personal information about you and your child at the pre-contract enquiry and application stage.

In addition, we are required by law to do the following (which is not an exhaustive list):

- Keep an admissions and attendance register;
- Keep pupil files (including, where relevant, special education needs and child protection files);
- Keep a record of behaviour sanctions; and
- Provide termly written reports on pupil progress and attainment.

Inevitably, there will be an overlap between what we do that is necessary to (a) perform our contract with you, (b) carry out our legal obligations and (c) pursue a legitimate interest.

Types of personal data processed by the School

This will include by way of example:

- names, addresses, telephone numbers, email 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 or about staff to whom we pay a salary, and any anti money laundering information that we are required to collect by law;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;

- where appropriate, information about individuals' health, and contact details for their next of kin;
- personnel files, including in connection with academics, employment or safeguarding;
- correspondence with and concerning staff, pupils, parents past and present;
- references given or received by the school about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with pupils; 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);

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, filling in forms on our website or simply in the ordinary course of interaction or communication (such as email, telephone or written assessments). We may also use CCTV footage to ensure the school is safe.

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 previous employers.

Who has access to personal data and who the School shares it with

For the most part, personal data collected by the school will remain within the school, and will be processed by individuals only in accordance with access protocols, for example, on a need to know basis. Occasionally staff will process personal data for the school off-site, for example, if working remotely or if the School has been required to close, for example during the COVID-19 pandemic. We take the security of your data seriously. We have internal policies and controls in place to ensure that your data is not lost, destroyed accidentally, misused or disclosed. These processes also ensure the data is not accessed by anyone except our employees in the proper performance of their duties. All staff are trained on

Some functions are outsourced including accounting, IT, virtual learning environments, Tapestry (EYFS) and cloud storage. In accordance with Data Protection Law, this type of external 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.

Occasionally, the school, including its governing board, will need to share personal information relating to its community of staff, pupils and parents with third parties, such as:

- Professional advisers (lawyers and accountants) or relevant authorities (lawyers, insurers, PR advisers, accountants, HMRC, police or the local authority);
- Other schools that pupils have attended/will attend;
- Welfare services (such as social services);
- Local Authority Designated Officer;
- Support services (including insurance, IT support, information security);

- (EYFS) Tapestry Online Learning Journal
- Visiting peripatetic teachers, such as music and speech and drama;
- Stage 3 complaints panels, which will include independent panel members;
- Government authorities, for example, HMRC, DfE, CAFCASS, police or relevant local authority and/or appropriate regulatory bodies, for example, the Teaching Regulation Agency, the Independent Schools Inspectorate, the Charity Commission;
- The School's Old Derbyian Society (ODS);

Access to Sensitive Data

Particularly strict rules of access apply 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 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, low level concerns records kept about adults and in some cases referrals to relevant authorities such as the LADO or police.

KCSIE also requires that, whenever a child leaves a school to join another school or college, his or her child protection file is promptly provided to the new organisation. The school will retain a copy in accordance with its retention policy for material related to safeguarding matters.

For further information about this, please view the school's [safeguarding policy](#).

Finally, in accordance with Data Protection Law, some of the school's processing activity is carried out on its behalf by third parties, such as IT systems including our school management system, (EYFS) Tapestry, 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.

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. See further information in our [Data Retention policy](#)

If you have any specific queries about how this 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 Chief Privacy

Officer, compliance@derbygrammar.org. However, please bear in mind that the school may have lawful and necessary reasons to hold on to some data.

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 fulfill your wishes (called a 'suppression record').

Keeping in touch and supporting the School

The school will use the contact details of parents, prospective parents, alumni and other members of the school community to keep them updated about the activities of the school, or alumni, parent or pupil events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the school may also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the school community, such as the Old Derbeian Society;
- 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;
- Collect information from publicly available sources about parents' and former pupils' occupation and activities, in order to maximise awareness of the school and its alumni and with regard to the school's fundraising potential.
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Chief Privacy Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the school may need nonetheless to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

Your rights

You have the following rights:

- To obtain access to, and copies of, the personal data that we hold about you;
- To require us to correct the personal data we hold about you if it is incorrect;
- To require us, in certain circumstances, to erase your personal data;
- To request that we restrict our data processing activities and, where our processing is based on your consent, you may withdraw that consent, without affecting the lawfulness of our processing based on consent before its withdrawal;
- To receive from us the personal data we hold about you which you have provided to us, in a reasonable format specified by you, including for the purpose of you transmitting that personal data to another data controller;
- To object on the grounds relating to your particular situation, to any of our particular processing activities where you feel this has a disproportionate impact on your rights.

Please note that the above rights are not absolute and we may be entitled to refuse requests where exceptions apply. The school will endeavor to respond to any such requests as soon as is reasonably practicable and in any event within statutory time-limits (which is generally one month but actually fulfilling more complex or multiple requests, eg those involving third party information, may take 1-2 months longer).

Individuals have various rights under Data Protection Law to access and understand their own personal data held and processed by the school, and in some cases ask for it to be erased or amended or to have it transferred elsewhere 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, should put their request in writing to the Chief Privacy Officer at the school.

The school will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, which is one month in the case of requests for access to information. The school will be better able to respond quickly to smaller, targeted requests for information. If the request is manifestly excessive or similar to previous requests, the school may ask you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it.

Rights of Access

The school will be better able to respond quickly to small, 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, but only where data law allows it.

If you consider that the personal data we hold on 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 record of all parties' viewpoints.

Requests that cannot be fulfilled

You should be aware that UK DPA rights (including rights of access) are limited to your own personal data and certain data is exempt. This may include information which identifies other individuals, or information which is subject to legal professional privilege. The school is also not required to disclose any pupil examination scripts or other information consisting solely of pupil test answers (though examiners' comments may fall to be disclosed) provide examination or other test marks ahead of their ordinary publication date nor share any confidential reference held by the school for the purposes of the education, training, appointment 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 proportionate legitimate interest identified in this Privacy Notice. Generally, if a school still considers the processing to be reasonably necessary, it is entitled to continue. All such requests will be considered on their 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). Indeed, while a person with parental responsibility will generally be expected to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's. A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf, and moreover (if of sufficient age) their consent or authority may need to be sought by the parent. Pupils aged 13 are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Children younger than 13 may be sufficiently mature to have a

say in this decision. All subject access requests from pupils will therefore be considered on a case by case basis.

Parental Requests

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 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 child, in accordance with the Parent Contract. Where parents are separated, the school, in most cases, will 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, or on behalf of, or concerning pupils, whether made under subject access requests 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 of where we rely on consent are certain types of uses of images and names or fundraising activities. Please be aware however that the school may 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 alumni 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 consent or notice for the necessary ways it processes personal data relating to pupils, for example under the parent contract or via a form. Parents should be aware that this is not necessarily the same as the school relying on strict consent.

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 circumstances 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, 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 [acceptable use policy](#) and the [school rules](#). Staff are under professional duties to do the same covered under the relevant staff policy.

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 changes to information held about them.

An individual has the right to request that any inaccurate or out-of-date information about them is erased or corrected (subject to certain exemptions and limitations under Act): please see above.

The school will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to school systems. All staff and governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

Covid 19 Privacy Notice

We are obliged to share attendance data with the Department of Education during this time. The following information will be shared:

- Whether the child has parents who are critical workers;
- If the child is vulnerable, e.g. they have an EHC plan (EHCP), have a social worker or are looked after children;
- The time the child has signed into the school;
- The time the child has signed out of the school;
- The number of children or staff members who have been asked to self-isolate by the NHS Test and Trace system;
- The number of children or staff members living with a clinically extremely vulnerable person;

Collection of Medical Data during Coronavirus

The law on protecting personally identifiable information, known as the UK Data Protection Act (UK DPA), allows us to use the personal information collected from staff/parents/carers and pupils. This includes special category data such as medical data.

- In the current pandemic, we may need to ask for data that you have not previously supplied. This data will be collected for, and on behalf of the school, to allow appropriate decisions to be made regarding assessing the ability to return to school and ensure that appropriate measures are put in place to allow for this safe return.
- We, additionally, may need to collect data about individuals that you reside with in order to factor in appropriate considerations for their wellbeing.

- All data collected by the school will be processed in accordance with our retention, destruction, data protection and data security policies. For further information, these can be found on our school website or by requesting this information from the office.
- The legal bases for using your data in these circumstances will be either:
 - a) with your consent;
 - b) where it is necessary to process this data for the 'vital interests' of yourself or another person;
 - c) for the reasons of substantial public interest;
 - d) where it is necessary to assess the working capacity of an employee; or
 - e) where it is in the interests of public health.
- In the current pandemic, we may need to share select data with others. This can be with the NHS and emergency services, public authorities as well as other stakeholders. This will only be done where it is necessary and proportionate for us to do so.
- Staff, parents, carers, and children will not be requested to undertake a temperature check prior to entry into the school. If you or anyone in your household experience symptoms on Covid-19, do not enter the premises. We ask the you inform us as soon as possible by telephone.

NHS Test and Trace

All UK schools have an obligation to respond appropriately to the Government's advice regarding coronavirus. In order to aid the government in fighting COVID-19 (coronavirus) and to help keep everyone safe as children return to school, the school will take part in the NHS 'Test and Trace' service. In order to comply with this, all visitors to School will be asked to complete a Visitor Declaration Form, confirming they do not have any symptoms of COVID-19 and have not been in contact with anyone that has a confirmed case of COVID-19. This data is held securely and removed after 21 days.

If there is a suspected or confirmed case of COVID-19, then we may be required to share staff, students, parents and visitor's personal data with NHS Test and Trace, who act as a Data Controller in their own right. We may also share this information with the Local Authority, who will use it for the purposes of COVID-19 prevention and detection only.

This information may include:

- Your full name

We will keep a record of any information shared.

If the NHS Test and Trace service contacts you, the service will use text messages, email or phone.

All information which we share through this service is shared in accordance with Article 6 and 9 of the UK DPA:

Article 6(1)(e) 'processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller'

Article 9 (2)(i) 'processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of healthcare'

For more information about the service, please see the Government guidance and Public Health England's privacy notice:

<https://www.gov.uk/guidance/nhs-test-and-trace-how-it-works>

<https://contact-tracing.phe.gov.uk/help/privacy-notice>

This policy

The school will update this Privacy Notice from time to time. 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 Chief Privacy Officer at compliance@derbygrammar.org, by calling 01332 523027 or by writing to the school.

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 Policy and should also notify the Head. The school 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.

Last reviewed: GRE/January 2021
Next review due: September 2021