



DATA PRIVACY POLICY FOR PUPILS AND PARENTS

'This policy will be implemented in a way which honours the vision that every FCJ school is a community of persons - students, staff, governors - bound together in mutual respect and ready to rely on each other in fulfilling their privileged task as educators in a Catholic school.'

1. Compliance

1.1 This policy meets the requirements of the UK General Data Protection Regulation ("UK GDPR"), the Data Protection Act 2018, and is based on guidance published by the Information Commissioner's Office and the Department for Education.

2. About this policy

2.1 Our School processes personal information relating to pupils, parents, visitors and is a Controller under data protection law. This means the School determines the way in which personal information is obtained and handled in order for it to carry out its functions as a state funded school. It should be read alongside our privacy notice for pupils and parents.

2.2 The School is registered as a Controller with the Information Commissioner's Office and renews this registration annually. The School's registration number is: Z6005484.

2.3 This policy sets out the duties of Upton Hall School ("the School") under each of the legislation provisions referred to in paragraph 1 of this policy, the responsible bodies/person for compliance and the procedures that will be applied.

2.4 During the course of its activities the School will process personal data (which may be held on paper, electronically, or otherwise) about the pupils, their parents, guardians or carers, and other individuals (including suppliers and volunteers).

2.5 The purpose of this policy is to make individuals (referred to as 'data subjects' under data protection law) aware of how the School will handle personal data of pupils, parents, guardians, and other individuals. Staff should refer to our separate Staff Data Privacy Policy and Privacy Notice for School Workforce regarding how we process Staff personal data.

3. Who is responsible for this policy

3.1 The Governing Body has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework for data protection.

3.2 The Governing Body has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the School's Headteacher. The School's Data Protection Officer will ensure that the policy is compliant and subject to challenge as and when it is reviewed or amended.

4. Definitions

4.1 The definitions in this paragraph apply in this policy.

Term	Definition
Personal data	Information that 'relates to' a living individual from which a person can be identified, including data that, when combined with

	<p>other readily available information, leads to a person being identifiable Data such as:</p> <ul style="list-style-type: none"> • Name • Address • Telephone Number • Date of birth • Gender • Qualifications • Opinions about an individual's actions or behaviour • Location data • Images (e.g. CCTV, photographs)
Special categories of personal data (formerly sensitive)	<p>Data such as:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious beliefs, or beliefs of a similar nature • Where a person is a member of a trade union • Physical and mental health • Sexual orientation and sex life • Biometric or genetic data
Criminal conviction data	<p>Data relating to criminal convictions and offences, unproven allegations, the absence of convictions.</p> <p>Data relating to victims, alleged victims and witnesses of crime.</p>
Processing	<p>Any activity that involves the use of personal data is referred to as processing. It includes: Collection, Recording, Organisation, Structuring, Storage, Adaption, Retrieval, Consultation, Use, Disclosure by transmission, Dissemination or otherwise making available, Alignment or combination, Restriction, Erasure and/or Destruction.</p>
Data subject	<p>The living individual whose personal data is held or processed</p>
Controller	<p>A person or organisation that determines the purposes for which, and the manner in which, personal data is processed</p>
Processor	<p>A person or organisation that processes personal data on behalf of a Controller.</p>

5. Data protection and educational records

5.1 Data protection principles

5.1.1 The School will comply with the six data protection principles in the UK GDPR, which require that personal data must be:

5.1.1.1 processed lawfully, fairly and in a transparent manner;

5.1.1.2 collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

5.1.1.3 adequate, relevant and limited to what is necessary in relation to the purpose

for which it is maintained; limited access is available for technical support and maintenance

5.1.1.4 accurate and, where necessary, kept up to date;

5.1.1.5 not be kept in a form which permits identification for longer than is necessary for the purpose(s) for which it is processed; and

5.1.1.6 processed in a manner that ensures appropriate security of the data.

6. Fair, lawful and transparent processing

6.1 To be processed lawfully, personal data must be processed on the basis of one or more of the conditions specified. The School will only process personal data where it is based one or more of the conditions specified in the UK GDPR. The most common conditions we rely on to process personal data are:

Conditions for Processing which we commonly rely on	
Personal Data	Special Category Personal Data & Criminal Convictions Data
<ul style="list-style-type: none"> • The data subject has given their consent to the processing for one or more specific purposes; • Processing is necessary for compliance with a legal obligation to which the School is subject; • Processing is necessary for entering or performing a contract with the data subject; • Processing is necessary to protect the vital interests of the data subject; • Processing is necessary in order for the School to perform a task in the public interest or for the controller's official functions, and the task or function has a clear basis in law; or • Processing is necessary for the purposes of legitimate interests pursued by the School or by a third party 	<ul style="list-style-type: none"> • The data subject has given explicit consent to the processing for one or more specific purposes; • Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the School or of the data subject in the field of employment and social security and social protection; • Processing is necessary to protect the vital interests of the data subject or of another individual, where the data subject is physically or legally incapable of giving consent; • Processing relates to personal data which are manifestly made public by the data subject; • Processing is necessary for reasons of substantial public interest; or • Processing is necessary for the establishment, exercise or defence of legal claims.

6.2 The full list of conditions is set out in Articles 6 and 9 of the UK GDPR and the School may in some circumstances rely on other conditions set out in the UK GDPR or Data Protection Act 2018 to justify the processing of personal data or special category personal data. The ICO's

website also has further information about the lawful conditions for processing.

6.3 Staff are forbidden from processing personal data for purposes which go beyond or are incompatible with the original purposes specified to the data subject in the transparency information provided to them.

6.4 The UK GDPR requires controllers to provide clear, detailed and specific information to data subjects about the processing of the personal data. Such information must be provided through appropriate privacy notices. It will be reviewed annually to ensure we are as transparent as possible about the personal data we process.

6.5 The UK GDPR (and the accompanying guidance) is very specific about the language used in any privacy notices. To ensure compliance with the UK GDPR the Data Protection Officer must be involved in the drafting of any privacy notices.

7. How the School is likely to use personal data

7.1 The School will process data about pupils and parents/guardians for the following (non-exhaustive) purposes:

- 7.1.1 for legal and administrative purposes as set out in education law or associated child protection and welfare laws;
- 7.1.2 to provide education and discharge the School's duty of care as a state funded education provider;
- 7.1.3 to provide pupils with a safe and secure environment and pastoral care;
- 7.1.4 to provide activities including school trips, activity and after-school clubs;
- 7.1.5 to support pupil learning;
- 7.1.6 to monitor and report on pupil progress
- 7.1.7 to provide academic and examination references;
- 7.1.8 to consider applications for bursaries;
- 7.1.9 to process admissions;
- 7.1.10 to provide the Department for Education (DfE) with information it is entitled to receive on pupils and parents in accordance with laws and statutory guidance as issued from time to time;
- 7.1.11 to maintain educational records;
- 7.1.12 to monitor attendance;
- 7.1.13 to maintain health and safety records;
- 7.1.14 to collect opinions about ability and achievements;
- 7.1.15 to obtain and retain details about personal / home life where this is relevant to provision of education to pupil or in order to meet safeguarding needs; and,
- 7.1.16 to share information with other agencies when required.

7.2 The School may process special category personal data or criminal conviction data relating to pupils and parents/guardians including, as appropriate:

- 7.2.1 information about pupil's physical or mental health or condition (including but not limited to allergies and regular medications) in order to discharge the School's duty of care, provide non-emergency and emergency medical assistance and for special educational needs provision;
- 7.2.2 to assess and make reasonable adjustments as necessary for access to education and the School's premises;
- 7.2.3 Biometric information in order to set pupils up on our cashless payment catering service (note we will comply with the Protection of Freedoms Act 2012 when processing this information);
- 7.2.4 provide applicable provision under an Education Health and Care Plan/Statement of Special Educational Needs;

- 7.2.5 share and provide information relevant when a multi-disciplinary team has been engaged for a pupil which includes information about parents/guardians which is necessary to understand the welfare needs or safeguarding concerns around the pupil;
- 7.2.6 the pupil's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation or to ensure that religious or similar beliefs are respected; and/or,
- 7.2.7 in order to comply with other legal requirements and obligations to third parties.

7.3 Parents, guardians, carers and other individuals (including suppliers and governors)

7.3.1 The School may process data about parents, guardians, carers and other individuals (including suppliers and governors) for the purpose of:

- 7.3.1.1 providing education to pupils;
- 7.3.1.2 reporting on pupil progress;
- 7.3.1.3 maintaining emergency contact details in order to discharge the School's duty of care as an education provider;
- 7.3.1.4 organise training courses;
- 7.3.1.5 obtain and retain details about personal / home life where this is relevant to provision of education to pupils; and
- 7.3.1.6 discharge obligations under safeguarding and other relevant legislation.
- 7.3.1.7 In limited circumstances the School will process special categories of personal data and/or criminal conviction data relating to parents, guardians, carers and other individuals (including suppliers and contractors). However, where this may be necessary, it may include, as appropriate:
 - 7.3.1.7.1 the parent, guardian, carer or other individual's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - 7.3.1.7.2 the contractor presents relevant checks undertaken to confirm suitability to have access to the School during term time;
 - 7.3.1.7.3 when there is relevant medical information needed for health and safety purposes including allergy information; and/or,
 - 7.3.1.7.4 in order to comply with other legal requirements and obligations to third parties.

8. Processing for specified, explicit and legitimate purposes

8.1 The School will only process personal data for the specific, explicit and legitimate purpose or purposes notified to individuals and will not be further processed in any manner incompatible with that purpose or purposes.

9. Adequate, relevant and limited to what is necessary

9.1 Personal data will only be processed to the extent that it is relevant and necessary for the specific purposes notified to the individual.

10. Accurate and when necessary, kept up to date

10.1 The School will keep the personal data it stores about an individual accurate and when necessary, kept up to date. Data that is inaccurate or out of date will be corrected or deleted without delay. Parents and pupils should notify the School if any personal details change or if they become aware of any inaccuracies in the personal data that the School holds about them.

11. Data retention

11.1 The School will not keep personal data for longer than is necessary for the purpose for which it is processed. Sometimes we are required by law to retain information for a specified period. After the retention period has lapsed, and there is no other legitimate reason to

retain the information, the School will take steps to destroy it so that it is no longer processing it.

- 11.2 The School adopts the recommended retention periods set out in the Information and Records Management Society's guidance for schools. It is designed to ensure personal data is deleted after a reasonable time, unless a law requires such personal data to be kept for a minimum time. A copy of the retention guidance can be found appended to this policy.

12. Data security

The School will ensure that appropriate measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. The School has procedures and technologies in place which are designed to maintain the security of personal data from the point of collection to the point of destruction. In summary, the appropriate measures include:

- 12.1 Appropriate levels of authority being given to staff members where access to personal data is required;
- 12.2 Personal data is stored on the School's network instead of individual PCs, laptops, tablet devices, mobile telephones etc;
- 12.3 Computers and laptops are not left unattended without locking their screens via password controls to prevent unauthorised access;
- 12.4 Personal Data is not carried off-site, save on permitted storage devices which are encrypted and password protected or when it is legally necessary to do so.
- 12.5 Ensuring our security procedures are followed, for example:
- 12.5.1 Lockable cabinets, drawers and cupboards which contain personal data;
 - 12.5.2 Laptop and other mobile device / document password protection;
 - 12.5.3 Regular back-ups of the School's servers;
 - 12.5.4 Secure disposal of paper documents
 - 12.5.5 Regular training for staff
- 12.6 We use CCTV in various locations around the school site to ensure it remains safe. We will adhere to the ICO's [code of practice](#) for the use of CCTV. We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use. Any enquiries about the CCTV system should be directed to Mrs Kerrie Spiby, Director of Business.

13. Sharing information with third parties

- 13.1 The School has in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. The School will only transfer personal data to a third party the third party agrees to comply with those procedures and policies, or if he puts in place adequate measures himself.
- 13.2 Where the School uses a third party processor to process personal data on its behalf, it will have in place a written agreement with each processor which ensures the information provided is safe and individuals accessing it understand the importance of data protection and applicable law.
- 13.3 The School routinely shares pupil information with:
- 13.3.1 Department for Education (DfE);
 - 13.3.2 Education and Skills Funding Agency (ESFA);
 - 13.3.3 Wirral Borough Council
 - 13.3.4 Schools/colleges that pupils may transfer to after leaving us;
 - 13.3.5 Careers service;
 - 13.3.6 Capita SIMS to manage pupil data including attendance and admissions information, and to manage the *Intouch* and the *Parent app* to keep parents informed;
 - 13.3.7 Cunningham's IMPACT to process biometric information for cashless payments for

- our catering service;
 - 13.3.8 Examination Boards such as AQA, OCR, Edexcel, CIE, Pearson, WJEC;
 - 13.3.9 Curriculum platforms including Dynamic Learning, Exampro, Kapture8, Kerboodle, Mathswatch, Quizlet;
 - 13.3.10 Careers information platforms including START, Uexplore and Unifrog;
 - 13.3.11 SISRA to process pupil progress information
 - 13.3.12 Brooks Counselling Service who provide one to one counselling when requested
 - 13.3.13 Evolve for managing pupil information for school trips
 - 13.3.14 GL Assessment for the Entrance Examination and CATs
 - 13.3.15 Google G Suite for emails and VLE access
 - 13.3.16 MLS Micro librarian for library records
 - 13.3.17 Supply agency staff
- 13.4 The School does not share information about pupils with anyone without consent unless the law and our policies allow us to do so.
- 13.5 The School will share information with multiple agencies which are formed as a team around a child or young person. These agencies will be controllers and be subject to the same obligations under data protection law as the School. The School will be under a legal obligation to share most of the information that is relevant to the multi-agency team or will be required to do so in the performance of the school's public task and there will be a substantial public interest in us doing so.
- 13.6 The School is also legally required to pass certain information about pupils to specified external bodies, such as our local authority and the Department for Education (DfE), so that they are able to meet their statutory obligations. This data sharing underpins school funding and educational attainment policy and monitoring.
- 13.7 The School is required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.
- 13.8 A parent or guardian can request that certain information is not passed to their local authority or provider of youth support services by informing the **School** of their instruction. This right is transferred to the pupil once she reaches the age 16.
- 13.9 The School will only transfer any personal data we hold to a country outside the UK, provided that one of the following conditions applies:
- The country ensures an adequate level of protection for the individuals' rights and freedoms;
 - The individual has given consent;
 - The transfer is necessary for one of the conditions set out in the UK GDPR (e.g. for the performance of a contract between us and the individual, or to protect the vital interests of the individual);
 - The transfer is legally required on important public interest grounds or for the establishment, exercise or defence of legal claims; or
 - The transfer is authorised by the Information Commissioner where we have adduced adequate safeguards with respect to the protection of the data subjects' privacy, their fundamental rights and freedoms, and the exercise of their rights

14. Processing in line with subject access rights

- 14.1 Individuals have the following rights over the data that the School processes:

Right	What it is for?
To be informed	This policy and any accompanying privacy notice sets out the information about how the School processes personal data about pupils and parents. It

	will be reviewed annually to ensure we are as transparent as possible about the personal data that we process.
Rectification	If the School is processing an inaccurate record about an individual they have the right to request that we review it and rectify it so as to make it accurate. This only extends to factual information being processed about an individual.
Erase	If the School has no compelling reason to process data about an individual, there is a right for the data to be erased and processed no further. This is not an absolute right and the School will consider requests on a case by case basis.
Restrict processing	This right complements the right to rectification and objection. Processing of personal data can be restricted whilst the School considers if any records are inaccurate or an objection has been raised about the personal data that it is processing.
Data portability	This enables individuals to seek (in certain circumstances) for information which they have provided to the School and which is being processed through automated means based on their consent or for the performance of a contract. It can then be requested to be transmitted in machine readable form to the individual or a third party.
To object	When the School is processing personal data about pupil's and parents for the performance of a task in the public interest those individuals have the right to object to processing. The School will consider any objection but may be able to demonstrate a legitimate ground to continue to process the personal data concerned.
To know about any automated decision making and profiling	The School will inform individuals when it uses any automated decision making processes. Individuals are entitled to request that automated decisions involving them are reviewed by human intervention. We profile pupils' performance to ensure that the school can meet their educational needs.

15. Subject access requests

- 15.1 Under data protection law, pupils have a right to request access to information the School holds about them. This is known as a subject access request. For a parent to make a subject access request on behalf of a pupil, the pupil must either under the age of 13 or, if over age 13, be unable to understand their rights and the implications of a subject access request, or have given their consent for their parent to make the request.
- 15.2 Subject access requests can be in writing or made verbally. Where the request is made verbally, the School or DPO will confirm the exact request in writing in order to ensure the

accuracy of the request. Requests should be made to the School's Data Protection Officer ("DPO"). The e-mail address of the DPO is chowell@uptonhall.org. Requests should include:

- The pupil's name
- A correspondence address to provide the information requested (this can be an e-mail address)
- A contact number
- Details about the information requested to assist the school to confirm if the personal data is being processed and to provide a copy within the time period afforded

15.3 The School will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child
- Third party personal data where there is no consent to disclose this in response to a subject access request and it would not be reasonable in the circumstances to do so.

15.4 If requests are complex or numerous the School has the right to determine that up to a further 2 months is required to respond to a subject access request. The DPO will write to the requester within a month of their written request to set out the reasons why the time is being extended.

15.5 If the request is determined to be manifestly unfounded or excessive, the School has the right to either charge a fee to reflect the administrative costs of providing the response or to refuse to provide a response. In the event that such a determination is made, the DPO will write to set out the School's reasons within a month of the written request being made.

16. Data Protection Officer ("DPO")

16.1 The School has appointed a Data Protection Officer who has overall responsibility for the School's compliance with data protection laws. The Data Protection Officer should be the first point of contact for individuals in the following situations:

16.1.1 Where individuals have any concerns, or require clarification, about the School's obligations

regarding data privacy and how we hand data;

16.1.2 To report a data breach or potential data breach;

16.1.3 Where (an) individual(s) has any feedback or suggestions about how the School can improve its data privacy and/or security procedures;

16.1.4 Where an individual wishes to make a subject access request or exercise one of their other data privacy rights.

16.2 The Data Protection Officer is: Mrs C Howell.

16.3. The Data Protection Officer's contact details are:

Upton Hall School FCJ
Upton
Wirral CH49 6LJ
0151 677 7696
chowell@uptonhall.org

17. Breaches of data protection

- 17.1 Under the UK GDPR the School has certain obligations to mandatorily report personal data breaches. As personal data reach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.
- 17.2 Failure to make the relevant mandatory personal data breach report may lead to a financial sanction against the School.

If an individual considers that this policy has not been followed in respect of personal data about a data subject he/she should raise the matter with the Data Protection Officer in the first instance.

18. Complaints

- 18.1 Compliance with data protection law is regulated by the Information Commissioner. In the event that you are not satisfied with the way in which the School is processing your personal data and you are not content with the response from our DPO, you have the right to refer your concerns to the Information Commissioner's Office ("ICO"). You can contact the ICO at <https://ico.org.uk/concerns/> or via its helpline number which is available on its website.