



LOCHINVER HOUSE

Privacy Notice for Lochinver House School’s Community

Lochinver House School is committed to ensuring that your privacy is protected. Lochinver House School is a company limited by guarantee with company registration number 04374254 and is a registered charity (registration number 1091045). We are registered as a Data Controller with the Information Commissioner’s Office (ICO), registration number Z7123569. For the purposes of the [General Data Protection Regulation \(GDPR\)](#) and Data Protection Act (DPA2018) as set out in the [Data Protection Bill](#) we process data (in paper or electronic format) about staff, students, parents, governors, alumni, suppliers and other individuals who come into contact with the School (the “School Community”) and will receive information about you. Processing of data may include obtaining, recording, retaining, disclosing, destroying or otherwise using data.

This Privacy Notice is intended to provide information about how the School will use (or "process") personal data about individuals (current, past or prospective) within the School Community which includes its governors, staff, pupils and parents (parents, carers or persons with legal responsibility) as well as volunteers and other contractors who come into contact with the School and is provided because GDPR gives individuals rights to understand how their data is used. The School Community 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 electronically or in paper form. This Privacy Notice also applies in addition to the Schools other relevant terms and conditions and policies, including, but not limited to:

- Any contract between the School and its staff or the parents of pupils
- The School’s Biometrics Policy
- The School's Safeguarding and Behaviour and Code of Conduct Policy and Health and Safety Policy which explains how concerns or incidents are recorded
- The School's Acceptable User and Cyber Security Policies

All the School Community should be aware of and comply with this Privacy Notice which provides further information about how personal data about those individuals will be used.

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1. Why the School needs to process Personal Data

In order to carry out its ordinary duties to the School Community the School needs to process a wide range of personal data about individuals working or volunteering in the School Community 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 it's (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
- Maintaining relationships with alumni and the School Community, including direct marketing or fundraising activity
- For the purposes of providing financial assistance in accordance with the School's Bursary Policy
- 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, and to publish 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 Acceptable User and Cyber Security Policies
- 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 Schools Terms and Conditions and User Acceptance and Cyber-Security Policies
- For security purposes, including biometrics, in accordance with the School's Biometrics Policy
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process
- For insurance purposes
- Obtaining appropriate professional advice
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice

In addition, the School will on occasion need to process special category personal data (concerning health, ethnicity, religion, biometrics or sexual orientation) 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 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
- 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
- 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 process personal data and use it to:

- Support teaching and learning
- Monitor and report on pupil progress and attainment
- Provide appropriate pastoral care
- Assess how well our School is doing
- Communicate with former pupils
- Communicate with the School Community
- Monitor pupils' email communications, internet use in accordance with the School's Acceptable User and Cyber Security Policies
- Promote the School to prospective pupils (including through the School's prospectus and website) where appropriate
- Other reasonable purposes relating to the operation of the School

This information may include contact details, assessment results, attendance information and personal characteristics such as ethnic group, any special educational needs and relevant medical information.

From time to time the School may pass your personal data (including sensitive personal data where appropriate) to third parties, including local authorities, other public authorities, independent school bodies such as the Independent Schools Inspectorate and the Independent Schools Council, health professionals and the School's professional advisers, who will process the data:

- To enable the relevant authorities to monitor the School's performance
- To compile statistical information (normally used on an anonymous basis)
- To safeguard pupils' welfare and provide appropriate pastoral care for pupils
- Where specifically requested by pupils and/or their parents
- Where necessary in connection with learning and extra-curricular activities undertaken by pupils
- To enable pupils to take part in national and other assessments and to monitor pupils' progress and educational needs
- To obtain appropriate professional advice and insurance for the School
- Where a reference or other information about a pupil or ex-pupil is requested by another educational establishment or employer to whom they have applied
- Where otherwise required by law
- Where reasonably necessary for the operation of the School

All these are data controllers in respect of the personal data they receive, and must themselves comply with GDPR and relevant Data Protection legislation. We will not give information about you to anyone outside the School without your consent unless the law and our rules allow us to.

2. Data Protection Principles

Under GDPR, the data protection principles set out the main responsibilities for organisations. Article 5 of the GDPR requires that personal data shall be:

- a) Processed lawfully, fairly and in a transparent manner in relation to individuals
- b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- c) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- d) Accurate and, where necessary, kept up to date
- e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed. Personal data may be stored for longer periods – please see section on “How long we keep personal data” below



- f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

3. Responsibility for Data Protection

Lochinver House School has appointed the HR & Compliance Manager as the School's Data Protection Lead ("DPL") who will deal with any 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 Privacy Notice and Data Protection Law. The DPL can be contacted on data@lochinverhouse.com. Tel: 01707 653064.

4. 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)
- Biometric information, which will be collected and used by the School in accordance with the School's Biometrics Policy
- Bank details and other financial information in order to process payments, for example, about parents who pay fees to the School
- Past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks
- Personnel files, including in connection with academics, employment or safeguarding
- Where appropriate, information about individuals' health and welfare, and contact details for their next of kin
- 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
- Images of pupils (and occasionally other individuals) engaging in school activities, (in accordance with the Schools Terms and Conditions and Acceptable User and Cyber-Security Policies
- Medical records held and accessed only by the School nurse and appropriate staff

5. 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
- Other professionals or authorities working with that individual
- For providing financial assistance in accordance with the School's Bursary Policy
- Collected from publicly available resources

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

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

- Professional advisers (e.g. lawyers, insurers, advisers, accountants, pension and healthcare providers)
- Government authorities (e.g. HMRC, DfE, police or the local authority)
- Appropriate regulatory bodies such as the ISI; Independent Schools Inspectorate or 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:

- Safeguarding or pastoral files
- 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 Staff Behaviour and Code of Conduct Policy



- medical records held and accessed only by the School nurse and appropriate medical staff under their supervision, or otherwise in accordance with express consent
- SEN pupil's relevant information may need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires
- 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

7. 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 schools are required to comply with the IICSA (Independent Inquiry into Child Sexual Abuse) who require schools to preserve records.

If you have any specific queries about how long we keep personal data, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact DPL email data@lochilverhouse.com. 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").

8. Keeping in Touch and Supporting the School

The School will use the contact details of 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.

Should you wish to limit or object to any such use, or would like further information about them, please contact the DPL 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).

9. 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 DPL.

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 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).

10. Requests that cannot be fulfilled

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 may 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.

11. 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 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.

12. 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 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.

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.

13. 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). We rely on consent for Biometrics. 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 contract or Terms and Conditions, or because a purchase of goods, services or membership of an organisation such as an alumni or parents' association has been requested).

14. 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 Terms and Conditions, or via consent. 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.

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 User and Cyber-Security Policy - Pupils and school rules. Staff are under professional duties to do the same covered under the Acceptable User and Cyber Security Policy – Staff and Data Protection Policy.

15. 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. You must notify the School 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 GDPR and DPA): 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 Privacy Notice and their duties under Data Protection Law and receive relevant training.

16. Queries and Complaints

Any comments or queries on this Privacy Notice should be directed to the DPL using data@lochinverhouse.com or calling 01707 653064.

If an individual believes that the School has not complied with this Privacy Notice or acted otherwise than in accordance with Data Protection Law, they should notify the DPL. 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.

Policy Reviewed:	24.05.2018
Policy Review Date:	23.05.2020
Policy linked to:	Linked but not limited to: Able and Talented Policy, Acceptable User and Cyber Security Policies, Accessibility Policy, Admissions and Attendance Policy, Anti-Bullying Policy, Assessment and Recording Policy, Behaviour Management, Reward and Sanctions and Exclusions Policy, Biometrics Policy, Bursary Policy, Complaints Policy, Data Protection Policy, Driver's Declaration, Disciplinary, Grievance and Capability Policy, Educational Visits Policy, English as an Additional Language Policy, Equal Opportunities Policies, First Aid Policy and Procedures, Health and Safety Policy, Historical Abuse Policy, Keeping Children Safe in Education, Learning Support Policy, Major Incidents Policy, Marking and Feedback Policy, Medical Provision and Medicines Policy and Procedure, Pay Policy, Professional Development Policy, PSHEE British Citizenship and Careers Policy, Recruitment Policy, Redundancy Policy, Reporting Policy, Safeguarding and Staff Behaviour and Code of Conduct Policy and Procedures, Supervision of Pupils Policy, Terms and Conditions, Visitor and Visiting Speaker Policy and Procedure, Whistleblowing 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.

