



## Privacy Notice

### WHO WE ARE

For the purposes of this notice, 'The School' will refer to The King's School Canterbury, Junior King's School, The Recreation Centre, The International College, The King's School Enterprises Ltd., and the OKS Association. Details of the aims and ethos of The School can be found on our [web-site](#).

#### Brexit Update

Although the UK has now left the EU and is no longer subject to EU law, it has passed a version of the GDPR into UK law (the 'UK GDPR'), to sit alongside the UK Data Protection Act 2018 ('DPA 2018'). Accordingly, we have updated references in this document to read 'UK GDPR', although referring simply to 'GDPR' may continue to be widespread practice for many UK controllers for some time. Insofar as it impacts most UK data controllers, the 'new' legislation (and any reference to Articles / Recitals within it) is substantially identical. Day-to-day compliance standards – and obligations on schools – have not changed materially post-Brexit, or indeed since this original guidance was published at the time of the implementation of the "EU GDPR" in May 2018. However, to use the ICO's words, "[the UK has the independence to keep the framework under review](#)".

#### Coronavirus Update

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

### WHAT THIS PRIVACY NOTICE IS FOR

This Privacy Notice is intended to provide information about how The School will use (or "process") personal data about individuals forming what we have referred to in this document as our school community. **Members of our school community** include our staff; our current, past and prospective pupils; their parents, carers or guardians (referred to in this document as "parents"); members of The Recreation Centre, governors, volunteers, suppliers, visitors and our contractors.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Members of our school community whose data we process are all encouraged to read our Privacy Notice and understand The School's obligations.

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:

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- 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 CCTV System and Surveillance System Policy;
- The School's retention of records policy;
- The School's safeguarding, pastoral, safer recruitment or health and safety policies, including as to how concerns or incidents are recorded; and
- The School's IT policies, including its E-Safety Policy.

Anyone who works for, or acts on behalf of, The School (including staff, volunteers, governors and service providers) will be subject to suitable training and policies / procedures commensurate with their role.

### RESPONSIBILITY FOR DATA PROTECTION

The School has appointed [The Bursar](#) as Data Protection Controller who will deal with your requests and enquiries concerning The School's uses of your personal data and endeavour to ensure that all personal data is processed in compliance with this notice 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 needs to process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of its daily operation.

Some of this activity The School will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff or parents of its pupils.

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

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

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities (including trips) to pupils, and monitoring pupils' progress and educational needs;
- To provide effective communication with parents, including reporting and about fees;
- To facilitate effective communication within The School through staff handbooks and information management systems;



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- Maintaining relationships with alumni and The School community (including former parents and staff), including direct marketing or fundraising activity;
- For the purposes of donor due diligence, to confirm the identity of donors / prospective donors, their financial background and relevant interests and to facilitate wealth screening;
- For the purpose of financial due diligence, to confirm the legitimacy of funds received within The School and to undertake financial review for bursary applications;
- 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 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;
- To make use of photographic images of pupils in school publications, on The School websites and (where appropriate) on The School's social media channels in accordance with The School's Taking, Storing and Using Images of Children Policy;
- For security purposes in accordance with The School's CCTV System and Surveillance System Policy;
- To give and receive information and references about past, present and prospective staff;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for The School's purposes, including to obtain appropriate professional advice and insurance for The School.

In addition, The School will on occasion need to process **special category personal data** (concerning health, ethnicity, religion, or sexual life, for example) or criminal records information (such as when carrying out Disclosure and Barring Service (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;



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- To provide spiritual education in the context of any religious beliefs;
- In connection with employment of its staff, for example DBS checks for the Single Central Register;
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are special educational needs, 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:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details;
- bank details and other financial information, e.g. about persons 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, emergency contacts and contact details for their next of kin;
- where appropriate, information about past and current employment;
- references given or received by The School about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning staff, pupils and parents past and present; and
- images of pupils, staff and parents (and occasionally other individuals) engaging in school activities, and images captured by The School's CCTV system (in accordance with The School's Taking, Storing and Using Images of Children Policy).

### 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. Details of how The School collects information for the purposes of wealth screening can be found in our [fundraising pages](#).

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

#### Processing By Third Parties

For the most part, personal data collected by The School will remain within The School, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). However, some functions are outsourced including HR, accounting, IT, wealth screening, cloud storage / records management, monitoring, mailing and library resources. In accordance with Data Protection Law, this type of external data processing is subject to contractual assurances that personal data will be kept securely and used only in accordance with The School's specific directions.

#### Data Sharing

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

- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority);
- educational qualification providers, admission services and examination boards (e.g. Cambridge Assessment International Education, Joint Council for Qualifications (JCQ) the Universities and Colleges Admissions Service and OCR);
- appropriate regulatory bodies (e.g. the [Independent Schools Inspectorate](#), the [Independent Schools Council](#), the Health and Safety Executive);
- appropriate contractors (eg visiting music teachers, sports coaches);
- mailing houses.

We may inform a pupils previous school from time to time of notable achievements by them during their time at The School, including public exam results and further education destination, as a means of updating them on the progress of their former pupil and celebrating their successes.

### 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.



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However, a certain amount of any Special Educational Needs and Disabilities (SEND) pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

### Safeguarding Data

Staff, pupils and parents are reminded that The School is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education or KCSIE) 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 Local Authority Designated Officer (LADO) or police.

KCSIE also requires that, whenever a child leaves the 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 and Child Protection Policy](#).

### 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 it 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. Files will be kept securely electronically and / or in hard copy.

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](#) (Data Protection Controller). 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").

### KEEPING IN TOUCH AND SUPPORTING THE SCHOOL

The School and/or any relevant other organisation will use the contact details of staff, 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, social media and by post. Unless the relevant individual objects, The School will also:



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- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with The School community;
- Contact staff, 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 such as social media about parents' and former pupils' financial background, occupation and activities, in order to maximise The School's fundraising potential. This may include the use of third party companies whom undertake fundraising/data cleaning/ wealth screening activities, all of whom are able to fast track processing of data on our behalf. All research of this type helps The School to understand more about you as an individual, helping us to focus future conversations we may have with you in the most effective way.

Should you wish to limit or object to any such use, or would like further information about it, please contact [The Bursar](#) (Data Protection Controller) in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, The School is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

### YOUR RIGHTS

Individuals have various rights under Data Protection Law to access and understand their own personal data held and processed by the school.

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 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.

#### Right of Access

Members of our school community have the right to access and receive a copy of their personal data, this is commonly referred to as a subject access request or SAR. The School will endeavour to respond to any such requests as soon as is reasonably practicable and in any event within statutory time-limits (which is generally one



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month, but actually fulfilling more complex or multiple requests, e.g. those involving third party information, may take 1-2 months longer).

You should be aware that the right of access is limited to your own personal data, and certain data is exempt. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations), or information which is subject to legal privilege (for example legal advice given to or sought by the school, or documents prepared in connection with a legal action, or where a duty of confidence is owed by a legal adviser).

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

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. A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.

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

Parents will in general receive educational and pastoral updates about their children, in accordance with the Parent Contract 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, court orders, or pastoral issues.

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.

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). An example of where we do rely on consent is for certain types of uses of images. 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).

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### 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 following: Human Resources Department for staff, Admissions Department / School Reception for pupils / parents, Development Office for donors and OKS Association for Alumni 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 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, or 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. Members of our school community (including staff and governors) will be made aware of this notice and their duties under Data Protection Law and receive relevant training as appropriate.

Pupils are required to respect the personal data and privacy of others, and to comply with The School's policies and The School Rules. Staff are under professional duties to comply with applicable policies documented in the Staff Handbook.

### THIS NOTICE

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.

The current copy of our Privacy Notice can be found on our [school web sites](#) and you are encouraged to check here regularly.

### QUERIES AND COMPLAINTS

Any comments or queries on this notice should be directed to [The Bursar](#) (Data Protection Controller).

If an individual believes that The School has not complied with this notice or acted otherwise than in accordance with Data Protection Law, they should notify [The Bursar](#) (Data Protection Controller). 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.

18th October 2021