



## External Privacy Notice

### WHO WE ARE

This Privacy Notice is for Wishford Schools (Group) Ltd. (The Group) and it is the data controller for the purposes of this Privacy Notice under the Data Protection Law and relevant policies (General Data Protection Regulation (EU 2016/679) and the UK Data Protection Act 2018.) Wishford Schools (Group) Ltd is a company, registered in England with registration number 8982719. The Group is a member of the Wishford Schools group.

### WHAT THIS PRIVACY NOTICE IS FOR

This policy is intended to provide information about how The Group will use (or “process”) personal data about individuals including: 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. Parents and pupils are all encouraged to read this Privacy Notice and understand The Group’s obligations to its entire community. This Privacy Notice applies alongside any other information The Group 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 Group’s other relevant terms and conditions and policies, including: The contract between The Group and the parents of pupils as set out in The Group’s Terms of Business; The Group’s policy on taking, storing and using images of children; The Group’s retention of records policy; (pending) The Group’s safeguarding and child protection, or health and safety policies, including as to how concerns or incidents are recorded; and The Group’s ICT policy. Anyone who works for, or acts on behalf of, The Group (including staff, volunteers, governors and service providers) should also be aware of and comply with The Group’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 Group has appointed Paul Easterbrook as the Data Protection Officer who will deal with all your requests and enquiries concerning The Group’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 policy and Data Protection Law. Data Protection Officer: Paul Easterbrook Data.protection@wishford.co.uk +44 (0)1249 713908

### WHY THE GROUP NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to pupils and parents, The Group needs to process a wide range of personal data about individuals (including current, past and prospective pupils or parents) as part of its daily operation. Some of this activity The Group will need to carry out in order to fulfil its legal rights, duties or obligations, other activity is completed as requirement under the performance of a contract with its parents of its pupils.

The Group expects that the following uses will fall within those categories: For the purposes of the admissions of pupils to The Group (and to confirm the identity of prospective pupils and their parents); To provide education services, including musical education, physical training or spiritual development and extra-curricular activities to pupils, and monitoring pupils’ progress and educational needs; Maintaining

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relationships with alumni and The Group community, including direct marketing or fundraising activity; To enable relevant authorities to monitor The Group'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 Group; To safeguard pupils' welfare and provide appropriate pastoral care; To monitor (as appropriate) use of The Group's IT and communications systems in accordance with The Group's ICT policy; To make use of photographic images of pupils in school publications, on The Group website and (where appropriate) on The Group's social media channels in accordance with The Group's policy on taking, storing and using images of children; For security purposes; To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and Where otherwise reasonably necessary for The Group's purposes, including to obtain appropriate professional advice and insurance for The Group. In addition, The Group will on occasion 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 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; As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

#### TYPES OF PERSONAL DATA PROCESSED BY THE GROUP

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); bank details and other financial information, e.g. about parents who pay fees to The Group; 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 welfare, and contact details for their next of kin; references given or received by The Group about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils; correspondence with and concerning pupils and parents past and present; and images of pupils (and occasionally other individuals) engaging in school activities, and images captured by The Group's CCTV system (in accordance with The Group's policy on taking, storing and using images of children);

#### HOW THE GROUP COLLECTS DATA

Generally, The Group receives personal data from the individual directly (including, in the case of pupils, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments). However in some cases personal data will be supplied by third parties (for example another school, or other professionals or authorities working with that individual); or collected from publicly available resources.

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

Occasionally, The Group 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

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authorities (e.g. DfE, police or the local authority); and appropriate regulatory bodies e.g. Teaching Regulation Agency, the Independent Schools Inspectorate, or the Information Commissioner.

For the most part, personal data collected by The Group will remain within The Group, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of: medical records held and accessed only by appropriate staff, or otherwise in accordance with express consent; and pastoral or safeguarding files. However, a certain amount of any SEN pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires. Staff, pupils and parents are reminded that The Group 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 Group's Safeguarding and Child Protection Policy. Finally, in accordance with Data Protection Law, some of The Group'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 Group's specific directions.

#### HOW LONG WE KEEP PERSONAL DATA

The Group 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 pupil personnel files is up to 7 years following departure from The Group. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. 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 Group's data protection officer, please bear in mind that The Group 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"). Please refer to The Group's Retention of Records Policy (pending).

#### KEEPING IN TOUCH AND SUPPORTING THE GROUP

The Group will use the contact details of parents, alumni and other members of The Group community to keep them updated about the activities of The Group, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, The Group will also: Share limited personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with The Group community; Contact parents and/or alumni (including via the organisations above) by post and email in order to promote and raise funds for The Group and, where appropriate, other worthy causes; Should you wish to limit or object to any such use, or would like further information about them, please contact The Group's data protection officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, The Group 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

Rights of access, etc. Individuals have various rights under Data Protection Law to access and understand personal data about them held by The Group, and in some cases ask for it to be erased or amended or have it transferred to others, or for The Group to stop processing it - but subject to certain exemptions

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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 Group's Data Protection Officer.

The Group 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 Group 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 Group may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it). 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 Group, or documents prepared in connection with a legal action). The Group 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 Group itself for the purposes of the education, training or employment of any individual. You may have heard of the "right to be forgotten".

However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

**Pupil requests:** Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of The Group, they have sufficient maturity to understand the request they are making (see section Whose Rights? below).

A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf. Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's: for older pupils, the parent making the request may need to evidence their child's authority for the specific request.

**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 Group 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 Parent Contract and prevailing legislation.

Where parents are separated, The Group will in most cases aim to provide the same information to each person with parental responsibility, but may need to factor in all the circumstances including the express wishes of the child. All information requests from, on behalf of, or concerning pupils - whether made under subject access or simply as an incidental request - will therefore be considered on a case by case basis. **Consent** Where The Group is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above).

Examples where we do rely on consent are: e.g. certain types of uses of images. Please be aware however that The Group 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. a parent contract, or because a purchase of goods, services or membership of an organisation such as an alumni or parents' association has been requested. **Whose rights?** The rights under Data Protection Law belong to the individual to whom the data relates.

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However, The Group will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils - for example, under the parent contract, or via a form. Parents and pupils should be aware that this is not necessarily the same as The Group 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 Group 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 Group'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 Group may be under an obligation to maintain confidentiality unless, in The Group's opinion, there is a good reason to do otherwise; for example where The Group 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 Group's policies, e.g. ICT policy and The Group rules. Staff are under professional duties to do the same covered under the relevant staff policy.

#### DATA ACCURACY AND SECURITY

The Group 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 Group Office of any significant changes to important information, such as contact details, held about them. An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why The Group may need to process your data, of who you may contact if you disagree. The Group 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 will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

#### THIS POLICY

The Group 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 Group's data protection officer by contacting The Group. If an individual believes that The Group has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise The Group complaints procedure and should also notify The Groups data protection officer. 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 Group before involving the regulator.