



# BIRKENHEAD SCHOOL

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### Who We Are

Birkenhead School is an independent School, a charity and a company limited by guarantee. In all these forms, we exist to benefit children by a high standard of education and care. We do this by an emphasis on academic excellence, high standards for staff and pupils and a culture of pastoral care involving a sense of respect, responsibility and resilience. We believe our responsibilities towards each other in the School community do not automatically end when a pupil leaves the School.

In this context, we naturally wish to respect individual privacy where appropriate while holding sufficient information to support the School community and its many endeavours. This involves being both lawful and conscientious in our processing of personal data.

For the purpose of data protection law (e.g. the Data Protection Act 1998 and the EU General Data Protection Regulation), Birkenhead School is the “Data Controller”. Further details on this definition, others and the law relating to data protection can be found via the Information Commissioner – [www.ico.org.uk](http://www.ico.org.uk).

## **Purpose of this Privacy Notice**

This notice outlines the principles by which we manage personal data belonging to individuals involved in the School, such as staff, pupils, parents, contractors, governors, and is intended to provide information about how the School will use (or “process”) personal data about individuals including staff and applicants for staff roles; it’s current, past and prospective pupils; and their parents, carers or guardians. (These groups shall be summarised as staff, pupils and parents unless specific elements apply to a certain group).

Individual people have a right to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand the School’s obligations to the people in its 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 an online or paper form.

This Privacy Notice also complements the School's other relevant terms and conditions, and the latest version of our policies, including:

- any contract between the School and its staff or the parents of pupils;
- our policy on taking, storing and using images of children;
- our CCTV policy;
- our retention of records policy;
- our safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- our policies and procedures concerning managing information security and the appropriate use of information technology.

Anyone who works for, or acts on behalf of, the School (including staff, volunteers, governors, Parents Association, Archives Team and service providers) should be aware of and comply with this Privacy Notice and the School's various policies concerning data protection.

## **Responsibility for Data Protection**

The School has appointed the Bursar as Data Compliance Manager who will deal with your requests and enquiries concerning the School’s uses of your personal data (see Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

The Data Compliance Manager can be contacted on [dataenquiries@birkenheadSchool.co.uk](mailto:dataenquiries@birkenheadSchool.co.uk)

## **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 and support of the School community.

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 admission (and to confirm the identity of prospective pupils and their parents);
- To provide education services, including musical education, physical training, spiritual development, career services, and co-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- 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 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 School's policy on taking, storing and using images of children;
- For security purposes, including CCTV monitoring and recording, in accordance with the School's policy;
- To monitor (as appropriate) use of the School's information technology systems in accordance with the School's policy on their acceptable use;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (e.g. tax issues, employer responsibilities (e.g. pay reporting), accessibility and curriculum planning);
- To enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate;
- To carry out or cooperate with any School or external complaints, disciplinary or investigation process;
- 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 maintain relationships with Alumni and the School community, including direct marketing or fundraising activity (which will require consent where appropriate);
- To assist the School (including the Parents Association) to organise events and activities

- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests; 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** (e.g. concerning health, ethnicity, religion, or sexual life) or criminal records information in accordance with rights or duties imposed on it by law, including with regard to 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 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 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 (lockers, lunch etc.);
- As part of any School or external complaints, disciplinary or investigation process that involves such data, for example if there are SEND, 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:

- 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 School, staff in receipt of salaries;
- 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 training, qualifications, employment or safeguarding;
- information about individuals' health and welfare, and contact details for their next of kin;

- references given or received by the School about pupils and staff, 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
- photographic images of pupils (and other individuals) engaging in School activities, and images captured by the School's CCTV system (in accordance with the E-Safety 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, such as medical reports concerning pupil's health, references for prospective staff, or external correspondence or complaints. It may also be collected from publicly available resources.

### **Who Has Access to Data and With Whom Does the School Share Data**

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, Department for Education, police or the local authority); and
- appropriate regulatory bodies e.g. National College for Teaching and Leadership, the [Independent Schools Inspectorate](#), the Charity Commission or the Information Commissioner
- where trustees of the Foundation Trust are in attendance to make decisions on the award of fee support. Where this is the case, it will be made clear to the individual that their personal data will only be shared for this specific purpose

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:

- medical records - held and accessed only by the School nurse and appropriate medical staff under her supervision, or otherwise in accordance with express consent; and
- pastoral or safeguarding files.

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

The School will also pass on basic contact information concerning members of the Old Birkonian Society to the OBS Committee as requested. For clarity, where members of the OBS (or others) assist the School with archiving and research, they are working on behalf of the School, and are not permitted to use the data in a different capacity. The Parents' Association Committee and working groups are also working on behalf of the School in that capacity and may have access to data for the purpose of communicating events, or any fundraising activity taking place – but it is not to be used for other purpose outside their School role. The work of these volunteers is an important contribution to the life of the School community and it is important that they have the necessary information to perform their role.

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 Local Authority's Designated Officer or police. File notes may also be documented in the Log of Concern for the Designated Safeguarding Lead's attention. For further information about this, please view the School's Safeguarding Policy.

Some of the School's processing activity is carried out on its behalf by third parties, such as IT systems providers, web developers, third party applications, or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the necessary legal standards.

## **How we Keep Personal Data**

The School will retain personal data securely for as long as it is necessary to keep for a legitimate and lawful reason. We will always have regards to good practice guidelines, such as those regularly reviewed by the Information and Records Management Society. The School has an information retention policy available on request. The School recognises that our obligations to each other as a community and our opportunities to support each other continue as part of a lifelong community. As such, contact details will be maintained in perpetuity for ongoing occasional contact. Direct marketing will be undertaken by consent in accordance with law and guidelines.

Experience has told us that Alumni very often welcome seeing a summary of their School record and some photographs when they return to the School to visit. We also have an active archive team that maintains the history of the School's activities, pupils and staff. Whilst important that no sensitive or obsolete data is retained therefore, a summary of School records and an archive of photographs will be maintained as part of the history of the institution for the benefit of the wider School community.

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 Data Compliance Manager or Compliance Officer at School. 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").

Staff data and personnel records will be held in accordance with the guidelines outlined in our retention policy.

## **Keeping in Touch and Supporting the School**

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

- collect information from publicly available sources about parents and former pupils in the interest of progress of the School.
- explore with any parents or alumni whether they are interested in supporting School activities. Where this involves direct marketing, consent will be obtained. Contact may be made via post, telephone, email or social media channels.

Should you wish to limit or object to any such use, or would like further information about them, please contact the Data Compliance Manager/Compliance Officer or Alumni 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**

- Rights of Access (also known as "Subject Access Review")

Individuals have various rights to access and understand personal data about them held by the School, and in some cases to ask for it to be erased or amended, 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 Data Compliance Manager.

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 currently 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).

- 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 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. At the very least, contact details for the Right to be Forgotten request will be retained to ensure compliance. 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 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/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.

Pupils in Year 8 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. Slightly younger children may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

- 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 contracting with the School will usually receive regular progress and/or pastoral updates about their child, and their engagement in their child's welfare and progress is naturally welcome. Where parents are separated or not in contact, the School will, in most cases, aim to provide the same information to each person with parental responsibility, but may need to consider 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 School is relying solely 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: certain types of use of images and certain types of fundraising activity. 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).

- 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 parent contract, or via a form. 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, the School rules, and to comply with the School's policies e.g. Acceptable Use of Information Technology and E-Safety. Staff are under professional duty to do the same, and are reminded that people acting properly in accordance with their School role are entitled to access all data on School systems including personal data

individuals have chosen to store there. Similarly, the School may choose to delete data from its systems even if it may include personal data an individual has chosen to store on those systems.

## **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. Individuals should notify a member of the School administration and/or finance teams 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 School may need to process your data, and 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 policy and their duties under Data Protection Law and receive relevant training.

## **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.

## **Queries and Complaints**

Any comments or queries on this policy should be directed to the Data Compliance Manager or Compliance Officer on [dataenquiries@birkenheadSchool.co.uk](mailto:dataenquiries@birkenheadSchool.co.uk)

If you believe that the School has not complied with this policy or acted otherwise than in accordance with Data Protection Law, you should utilise the School complaints procedure by notifying the Data Compliance Manager or the Data Compliance Office in the first instance.

If we are unable to solve your complaint, you can also complain to the Information Commissioners Office on 0303 123 1113, online at <https://ico.org.uk/concerns/> or write to  
Information Commissioners Office,  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**MJT 27<sup>th</sup> September, 2021. To be reviewed September 2022**