



Cundall Manor School

# GDPR Privacy Notice

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## General Principles

Cundall Manor School is a data controller with the registered address is Cundall Manor School, Cundall, York, North Yorkshire, YO61 2RW and is committed to ensuring that the personal data of our pupils, parents/carers and staff is handled in accordance with the principles set out in the General Data Protection Regulations (GDPR). We are a registered charity 529540.

The School will process your information in accordance with the Data Protection Act and its own Data Protection Policy and Data Retention Policy. To comply with the law, data must be collected and used fairly, stored safely and securely, be adequate, relevant and not excessive, be kept accurate and up to date, held only as long as necessary and not disclosed to any third party unlawfully. This policy applies to prospective, current and former pupils and their parents/carers and well as current and former staff.

This policy describes the categories of personal data that we collect, how we use your personal data, how we secure your personal data and when we may disclose your personal data to third parties. It also describes your rights regarding your personal data and how you can access, correct, and request erasure of your personal data.

### What this privacy notice is for?

This policy is intended to provide information about how the school will use (or "process") personal data about individuals. This information is provided because Data Protection Law gives individuals rights 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 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 an online or paper form.

This **Privacy Notice also** applies in addition to the school's other relevant terms and conditions and policies, including:

- ☐ 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 safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- ☐ the school's IT policies, including its Acceptable Use policy

Anyone who works for, or acts on behalf of, the school (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Notice, which also provides further information about how personal data about those individuals will be used.

### **Responsibility for data protection**

- ☐ The School has appointed Laura Taylor as Data Protection Lead who will deal with all your 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 policy and Data Protection Law.

### **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). This information is normally initially provided to the school by a prospective pupil and their parents/carers from the point of enquiry, and subsequently on an online or paper-based application form and is added to by the school over the course of their time at the school.

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.

Information about pupils and their parents/carers is retained and disposed of in accordance with the school's Data Retention Policy.

### **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;
- date of birth
- bank details and other financial information, e.g. 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; and
- images of pupils (and occasionally other individuals) engaging in school activities (in accordance with the school's policy on taking, storing and using images of children).

## **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 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 due diligence, and to confirm the identity of prospective donors and their background and relevant interests;
- 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 systems in accordance with the school's ICT acceptable use policy;

- 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;
- 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) 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;
- 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.

### **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 and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority); and
- appropriate regulatory bodies e.g. **NCTL**, the **Independent Schools Inspectorate**, the Charity Commission 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:

- medical records held and accessed only by the school matron and appropriate medical staff under his/her supervision, 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 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 Policy.

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.

### **Do we transfer your personal data to other countries?**

We do not envisage transferring your personal data outside of the European Economic Area other than in specific instances (such as international trips, or international university applications). In such cases, consent will be obtained from the individual.

### **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, 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 your personal data, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact Laura Taylor, Business Manager who will be happy to help. 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").

The school has a number of obligations regarding retention of data. These include:

- statutory duties and government guidance relating to schools, including for safeguarding;
- disclosure requirements for litigation;
- contractual obligations;
- the law of confidentiality and privacy; and
- the UK - General Data Protection Regulation (UK-GDPR)

### **Keeping in touch and supporting the school**

The school and/or any relevant other organisation (e.g. Friends of Cundall Manor / The Cundall Ball Committee) 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 will also:

- ❑ Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the school community, such as the Cundall Alumni Association, Friends of Cundall Manor and The Cundall Ball Committee;
- ❑ Contact 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 about parents' and former pupils' occupation and activities, in order to maximise the school's fundraising potential.
- ❑ Should you wish to limit or object to any such use, or would like further information about them, please contact the Data Protection Lead, Kathryn Pittaway, 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

### **Right of Access –**

You have the right of access to information we hold about you. We have up to one month to provide you with the information and at no cost to you. We will provide you with a copy of the information we hold that relates to you. For more information, please see our Data Protection Policy.

### **Right to rectification or erasure –**

If you feel that any data we hold about you is inaccurate, you have the right to ask us to correct or rectify it. You also have a right to ask us to erase information about you where you can demonstrate that the data we hold is no longer needed by us, or if you feel that we are unlawfully processing your data. Your right of rectification and erasure extends to anyone we have disclosed your personal information to and we will shall take all reasonable steps to inform them about your request.

### **Right to Restriction of processing –**

you have a right to request that we refrain from processing your data where you contest its accuracy, or the processing is unlawful and you have requested its erasure, or where we don't need to hold your data anymore but you need us to in order to establish, exercise or defend any legal claims, or we are in dispute about the legality of our processing your personal data.

### **Right to object –**

you have a right to object to our processing of your personal data where the basis of the processing is our legitimate interests including but not limited to direct marketing and profiling.

## **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 school of any changes via the parent portal.

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, 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 notice and their duties under Data Protection Law and receive relevant training.

### **Withdrawing consent**

Where you have provided your consent to the collection, processing and transfer of your personal data, you may withdraw that consent at any time. This will not affect the lawfulness of data processing based on consent before it is withdrawn. To withdraw your consent please contact the school Business Manager Bursar in the first instance, via [lurataylor@cundallmanor.org.uk](mailto:lurataylor@cundallmanor.org.uk)

### **What if you do not wish to provide personal data?**

The school may require you to provide data in order to fulfil its contractual or legal obligations, or in order to provide suitable care for pupils. Failing to provide the data may mean that the school is unable to fulfil these requirements, which may lead to pupil exclusion from specific events or elements of provision, or else more generally. Certain information, such as contact details, employment details, have to be provided to enable the school to effectively administer pupil applications. If you do not provide this information, the school will not be able to progress an application to attend the school.

### **Changes to this Privacy 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 Protection Lead using the following contact details:

Post: FAO Data Protection Lead, Cundall Manor School, Cundall, York, North Yorkshire. YO612RW

Phone: 01423 360 200

Email: [lurataylor@cundallmanor.org.uk](mailto:lurataylor@cundallmanor.org.uk)

If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the school complaints procedure and should also notify the Data Protection Lead. 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.