



# Privacy Policy

## CURRENT STUDENTS

### INTRODUCTION

This policy is intended to provide information about how the school will use (or “process”) personal data about students.

This information is provided because the UK GDPR gives individuals rights to understand how their data is used. The Marymount community are all encouraged to read this Privacy Policy and understand the School’s obligations.

This Privacy Policy 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 Policy 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 families of students;
- the school’s policy on taking, storing and using images of children;
- the school’s CCTV and/or biometrics policy;
- the school’s retention of records policy;
- 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, eSafety policy, WiFi policy, Remote Working policy and Bring Your Own Device 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 Policy and the school’s data Protection Policy for staff, which also provides further information about how personal data about those individuals will be used.

### WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, students and families, the school needs to process a wide range of personal data about individuals (including current, past and prospective staff, students or families) 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 families of its students.

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.



- **Educational provision, security and safeguarding**
  - To provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities to students, and monitoring students' progress and educational needs;
  - To enable students to take part in national or other assessments, national or other assessments, to share the results and transcripts with exam candidates and their families, and to publish the results of public examinations or other achievements of students of the school;
  - To safeguard students' welfare and provide appropriate pastoral care;
  - To monitor (as appropriate) use of the school's IT and communications systems in accordance with the school's acceptable use policies;
  - For security purposes, including biometrics and CCTV in accordance with the school's biometrics and CCTV policies;
  
- **Community relations**
  - Maintaining relationships with the school community, including direct marketing, event attendance and participation, or fundraising activity;
  - For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background [and relevant interests];
  - To record special occasions and performances of students to share with the students and their families and as an archival record of the school;
  - To make use of photographic and video images of students 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;
  
- **External and legal obligations**
  - 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 students, including relating to outstanding fees or payment history, to/from any educational institution that the student attended or where it is proposed they attend;
  - 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.;

## 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;
- biometric information, which will be collected and used by the school in accordance with the school's biometrics policy.



- students' 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 school about students, and relevant information provided by previous educational establishments and/or other professionals or organisations working with students;
- information about donations made to the school;
- correspondence with and concerning students and families; and
- images of students engaging in school activities, and images captured by the school's CCTV system (in accordance with the school's policy on taking, storing and using images of children);

## SPECIAL CATEGORY PERSONAL DATA

The school 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 students' 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 student;
- 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 student identification (registration and access etc.);
- 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.

## HOW THE SCHOOL COLLECTS DATA

Generally, the school receives personal data from the individual directly (including, in the case of students, from their families). This may be via a physical or electronic form, an online portal, or simply in the ordinary course of interaction or communication (such as email or written assessments).

In some cases personal data will be supplied by third parties (for example another school, external examination boards, referees, or other professionals or authorities working with that individual); or collected from publicly available resources.



## WHO HAS ACCESS INTERNALLY

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 Nurses and appropriate boarding and medical staff under their supervision, or otherwise in accordance with express consent]; and
- pastoral or safeguarding files.

However, a certain amount of any SEN student's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the student requires.

## SHARING WITH THIRD PARTIES

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

- suppliers of services used by the School to provide its services (e.g. Office 365, student management systems, email supply systems)
- professional advisers (e.g. lawyers, insurers, PR advisers and accountants); government authorities (e.g. HMRC, DfE, police or the local authority); and appropriate regulatory bodies (e.g. TRA, the Independent Schools Inspectorate, [the Charity Commission] or the Information Commissioner).

In accordance with the UK GDPR, 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.

## LEGAL SAFEGUARDING OBLIGATIONS

Staff, students and families 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.

## INTERNATIONAL TRANSFERS

Some of the personal data we process about you may be transferred to, and stored at, a destination outside the UK, for example where you live outside the UK, or where the student is going on a school trip outside the UK or where personal data is processed by one of our suppliers who is based outside the UK or who uses data storage facilities outside the UK. A number of the School's IT systems are provided by third parties who are based or use servers outside the UK (e.g. providers of hosted databases, websites, school post system, school portal, cloud storage and management information systems).



While some countries have adequate protection for personal data under applicable laws, in other countries steps will be necessary to ensure appropriate safeguards apply to it. These include imposing contractual obligations of adequacy or requiring the recipient to subscribe to or be certified with an international framework of protection. Under the UK GDPR, data transfers to the EEA are recognised as continuing to offer adequate protection so additional transfer mechanisms are not required for UK to EEA data flows.

## 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 student 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. Please see our Record Retention Policy for more details.

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. 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”).

## YOUR RIGHTS

### RIGHTS OF ACCESS, ETC.

Individuals have various rights under the UK GDPR to access and understand personal data about them held by the school, and in some cases ask for it to be erased or amended or have it transferred to others, or for the school to stop processing it – but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the Bursar.

The school will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits (which is one month in the case of requests for access to information).

The school will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the school may ask you to reconsider, or require a proportionate fee (but only where the UK GDPR 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 families 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 student examination scripts (or other information consisting solely of student 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.

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 Policy. All such requests will be considered on their own merits.

## STUDENT REQUESTS

Students 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 student 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 students, the law still considers the information in question to be the child's: for older students, the parent making the request may need to evidence their child's authority for the specific request.

Students aged 13 and above are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home.

## PARENTAL REQUESTS

It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Families 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 students without their consent. The school may consider there are lawful grounds for sharing with or without reference to that student. Families will in general receive educational and pastoral updates about their children in accordance with the Parent Contract.

All information requests from, on behalf of, or concerning students – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

## CONSENTS

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). Examples where we do rely on consent





are biometrics and 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 Policy, 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 alumnae or Parents' Association has been requested).

## WHOSE RIGHTS

The rights under the UK GDPR 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 students – for example, under the parent contract, or via a form. Families and students 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 student's age and understanding – to seek the student's consent.

Families should be aware that in such situations they may not be consulted, depending on the interests of the child, the families' rights at law or under their contract, and all the circumstances.

In general, the school will assume that students' consent is not required for ordinary disclosure of their personal data to their families, e.g. for the purposes of keeping families informed about the student's activities, progress and behaviour, and in the interests of the student's welfare. That is unless, in the school's opinion, there is a good reason to do otherwise.

However, where a student seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their families, 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 student or other students, or if required by law.

Students are required to respect the personal data and privacy of others, and to comply with the school's acceptable use policy and the school rules. Staff are under professional duties to do the same covered under the acceptable use policy.

## 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 Secretary 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 the UK GDPR); 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 policy and their duties under the UK GDPR and receive relevant training.

## QUERIES AND COMPLAINTS

The School will update this Privacy Policy from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

Any comments or queries on this policy should be directed to the Bursar using the following contact details:

Telephone: 020 8949 0571 or

e-mail: [bursar@marymountlondon.com](mailto:bursar@marymountlondon.com)

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 Bursar.

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.

**Approved:**                      **November 2021**

**To be reviewed:**            **November 2024**