



West Lodge School

A co-educational prep school for 3-11 year olds

DATA PROTECTION POLICY

This is a whole school policy and applies to the Early Years Foundation Stage (EYFS) provision and before and after school activities.

WHO WE ARE

West Lodge School are a data controller for the purposes of the General Data Protection Regulation (EU 2016/679) and the UK Data Protection Act 2018. The School has notified the Information Commissioner's Office of its processing activities. The School's ICO registration number is Z6800241 and its registered address is 36 Station Road, Sidcup, Kent DA15 7DU.

WHAT THIS POLICY IS FOR

This policy is intended to provide information about how the school will use (or "process") personal data about individuals including: its staff; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided in accordance with the rights of individuals under Data Protection Law to understand how their data is used. Staff, parents and pupils are all encouraged to read this Policy and understand the school's obligations to its entire community.

This 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 or via the school's website.

This 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 parents of pupils;
- the school's Privacy Notices
- the school's policy on taking, storing and using images of children;
- the school's safeguarding and health and safety policies, including as to how concerns or incidents are recorded; and
- the school's IT policies, including its Computing policy and Bring Your Own Device policy.
- the school's Website Privacy and Cookies 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 Policy, which also provides further information about how personal data about those individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

- The School has appointed the Bursar as Privacy Officer 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.
- The Bursar may be contacted by telephone 020 8300 2489 or email bursar@westlodge.org.uk or by post to West Lodge School, 36 Station Road, Sidcup, Kent DA15 7DU.

WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, pupils and parents, the school may 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 may fall within that category of it's (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 or spiritual development, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such taxation records);
- 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;
- 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 Computing 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 the purpose of reviewing and managing applications to work at the school.
- For the purpose of promoting the school to prospective families, providing the individuals have provided consent to do so.
- For security purposes 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 may need to process **special category personal data** (concerning health, ethnicity, religion) 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 may 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 where it is in the individual's interests to do so: for example for medical advice, social services, insurance purposes or to organisers of school trips;
- To provide educational services in the context of any special educational needs of a pupil;
- In connection with employment of its staff, for example DBS checks, welfare or pension plans; 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 which may include insurance details;
- bank details and other financial information, e.g. employees
- 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 contact details for their next of kin;
- references given or received by the school about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with pupils; and
- images of pupils (and occasionally other individuals) engaging in school activities;
- Identification documentation such, but not limited to, Birth Certificates and passports

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, via the website, or simply in the ordinary course of interaction or communication (such as email or written assessments).

However in some cases personal data may 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 SCHOOL SHARES IT WITH

Occasionally, the school will need to share personal information relating to its community with third parties, such as professional advisers (lawyers and accountants) or relevant authorities (HMRC, police or the local authority).

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 ; and**
- **pastoral or safeguarding files.**
- Identification documents

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 may 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.

The school keeps a record of low-level concerns that do not necessarily meet a statutory threshold. This record is kept privately and securely by the Head Teacher. Only the Designated Safeguarding Lead would have access.

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 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.

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. If you have any specific queries about how this policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact Charlene Whyte, Privacy Officer. However, please bear in mind that the school may have lawful and necessary reasons to hold on to some data.

KEEPING IN TOUCH AND SUPPORTING THE SCHOOL

The school 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.

YOUR RIGHTS

Individuals have various rights under Data Protection Law 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 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 Privacy Officer.

It is important to note that a full Subject Access Request (SAR) may not be necessary if only specific information is requested or required. In this instance the request should clearly state what information is required and the related time frame.

How To Make A Request

All SARs must be made in writing to the School. The School provides a form for such requests that is designed to collect the information needed to identify the data you are requesting. The form can be requested from the School Office or directly from the Bursar. The School does not charge for this service.

What Information Is Needed

In order to find the data you are requesting we will need the following information:

Your name, address, date of birth, copy of passport or driving licence including photograph page, details of the information required.

Identification is required to confirm that you are the data subject – that is, the individual to whom the data refers – so that the School does not disclose any data to someone who is not entitled to receive it.

For parental requests for information about pupils or subjects under the age of 18 the above identification will be required and written confirmation that you are authorised to request and receive the information.

If you are making a request on behalf of the data subject e.g. you are a solicitor acting on your client's behalf, you will need to provide the information detailed above for the data subject, plus proof that you have your client's consent to request and receive their personal data. This may be a signed form of authority from the individual.

With all SARs it would be helpful to provide some contextual information about the required data e.g. dates that the information may have been produced, or whether it refers to your time as a student or a member of staff.

What Type of Search Will Be Carried Out For The Information Requested?

The vast majority of searches for personal data carried out by the School are general searches in relation to pupils or members of staff.

Parents and Pupils

If you are, or were, a pupil or parent, the School will routinely search the following areas for your data as these are the areas where most student data is held:

- Paper based pupil files
- Data held on the School's SMS database, and on computer network.
- Financial Services – for details of fee payments and any disputes over payments
- Paper records and notes of meetings

If you would like other areas of the School searched for your data, you can indicate these on the SAR form.

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). Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the information in question is always considered to be the child's at law.

A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf. Moreover (if of sufficient age) their consent or authority may need to be sought by the parent making such a request. Pupils 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. Slightly younger children may however be sufficiently mature to have a say in this decision.

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

Staff and Past Employees

If you are, or were, a member of staff, the School will routinely search the following areas for your data as this is where the majority of staff data is held:

- Human Resources – for your central HR file containing details of your initial application, any subsequent applications within the School, job changes, communications to and from HR; this includes paper files and files on the computer network.
- Finance Office – payroll data, payments details, pension details.
- If you would like other areas searched for your data, you can indicate these on the SAR form.

You may, however, only want to receive information relating to a specific incident or issue. If that is the case, please provide as much detail as possible regarding the information you require e.g. dates of events, when the information may have been recorded or where you think the information may be held, to help identify the data you require.

How Long Will It Be Before You Receive Your Data?

The School has one month in which to provide the data you have requested. This period starts on the date that the School receives all of the information it needs to confirm firstly,

your identity, or your right to request a third party's data, and secondly, the type of search you want carried out (either a general search or a search for specific information).

How Will Your Data Be Provided To You?

The General Data Protection Regulation requires that you receive a permanent copy of any personal data held about you. Therefore, you will receive either an electronic or paper copy of the personal data found about you, depending upon the information you requested.

If you wish to receive your data in paper form, this will be sent to you either using first class post or passed on in person.

The School's preference is to provide paper copies of information but if you wish to receive your data electronically, assuming the file size is not too large, it may be possible to send the information to you by email as an attachment. The file will be password protected and once you receive the file, you will need to contact the School for the password in order to access the attachment. Information on how to do this will be included in the email that sends your data to you.

What Data Will Be Provided To You?

You will receive copies of the personal data relating to you. Personal data is defined as data that identifies an individual relates to that individual. Therefore, the data you receive will not only name you but also have some reference to you. As the School still holds some paper files as well as electronic records, a search will be carried out initially for files / folders that are named using your name in any format. After that, electronic searches will be carried out for any electronic records that contain your name in the body of the data – not just the title.

Whether you receive copies of particular emails will depend on whether the data may relate to you. So, for example, you will not receive copies of emails that have been sent to a list of email addresses including yours, where the information in the email does not relate to you.

Your personal data may be held in a document or database that contains personal data relating to other individuals. To avoid providing you with a third party's personal data, it may be necessary to redact the other person's data (that is, blank it out or obscure it in other

ways) or to extract your data from the larger document / database. Therefore, you may receive copies of documents with blank spaces in the text, or with only one line of information under column headings. These are examples of redacted documents or where your data has been extracted. Alternatively, particular lines may have been highlighted in black to ensure they are not visible.

Responsibilities Within School

To ensure that all necessary information is redacted the Bursar, the School's PO, will conduct a final check of all documentation to be provided. However, the School recognises that it is the responsibility of individuals providing requested information that any third party's data has been redacted. This includes teachers, admin staff and senior leaders.

Will You Receive All of The Data That Relates To You?

It is important to note that it is not always possible to know exactly what information is held about an individual when a search is made. It may not always be possible for the School to provide every piece of information about your employment or studies, as there may have been some discussions relating to a final decision made at a meeting or over the telephone, which will not always be recorded. Emails are often seen as an informal method of communication and staff are encouraged to retain emails in line with their subject matter, but that does mean that not all emails will be kept for the same length of time.

There may be times when the School holds personal data about you which it does not / cannot disclose to you. This may be because it is not possible to disclose your personal data without disclosing a third party's data, and either the third party has refused to give consent for their data to be disclosed or the third party's data is awarded a degree of confidentiality which means the data cannot be disclosed.

Examples of information which (depending on the circumstances) may be withheld include information that:

- might cause serious harm to the physical or mental health of the pupil or another individual;
- would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests;
- is contained in adoption and parental order records; and
- is legally privileged, including certain information given to a court in proceedings concerning a child;

- consists of confidential references either given or received by the school;
- consists of exam or test answers or exam results before the allotted publication time e.g. entrance exam results for senior schools;
- is held for purposes of management planning (e.g. redundancy planning);
- would prejudice the prevention and detection of crime if disclosed
- might cause serious harm or distress in limited social work contexts.

What Can You Do If You Are Unhappy With The Response To Your Request?

You should first contact the School to clarify any queries about the information you have received or to point out any omissions in the data that you expected to receive. However if you are looking for anything particular, it is best to state this in your original request. We will look again at the information held within the School to see if any new information can be sourced with the extra detail provided by you.

If you remain dissatisfied with the response to your request, you may submit a complaint to the Information Commissioner's Office (ICO).

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). Please be aware however that the school may have another lawful reason to process the personal data in question even without your consent.

That reason will usually have been asserted under this 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 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 consent to process personal data relating to pupils (if consent is required) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on 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, unless, in the school'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 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, and to comply with the school's Rules for Responsible Computer and Internet Use and the school rules. Staff are under professional duties to do the same covered in the Employee Handbook.

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 Privacy Officer 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, 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 Data Protection Law and receive relevant training.

THIS POLICY

The school will update this Policy 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 Privacy Officer using the following contact details: by telephone 020 8300 2489 or email bursar@westlodge.org.uk or by post to West Lodge School, 36 Station Road, Sidcup, Kent DA15 7DU.

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 Privacy Officer. The school 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.

Reviewer: Bursar

Date reviewed: July 2023

Renewal date: July 2024