



## **Data Protection Policy**

### **1. Introduction**

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

This policy applies to all areas of the school including the Early Years Foundation Stage. Kensington Wade aims to ensure that all personal data collected about staff, pupils, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.

Kensington Wade School is required to process relevant personal data regarding staff members, pupils and their parents and guardians as part of the conduct of its day-to-day operations.

This policy, which includes the application guidance set out below, details how Kensington Wade School will ensure compliance with its obligations with respect to the protection of personal data that it holds and uses.

#### **1.1 *What is "personal data", who is covered and what is meant by "processing" personal data?***

"Personal data" means any information relating to an identified or identifiable living human.

"Identifiable" in this context means one who can be identified directly or indirectly, in particular by reference to an identification number or to one or more factors specific to physical, physiological, mental, economic, cultural or social identity.

Individuals meeting this definition may include current, past or prospective pupils, their families/guardians and staff members or governors or other relevant Data Subjects.

It is important to note that personal data processed by Kensington Wade School in respect of staff, pupils and parents and guardians covers both facts and opinions about those individuals. The processing of personal data may include obtaining, recording, holding, disclosing, destroying or otherwise using that data.

The school is required, as part of its operation, to process a wide range of personal data. Personal data may include, inter alia:-

- Names, addresses, dates of birth.
- Bank details and other financial information.
- Academic, disciplinary, admissions and attendance records and references.
- Medical records.
- Examination scripts and marks.
- Photographs
- Vehicle registration details
- Video and CCTV images.

### **1.2 Data Subjects - Meaning of “Pupils” and “Staff”**

In the context of the scope of this policy any reference to “pupils” includes current, past or prospective pupils.

Any reference to “staff” in the context of the scope of this policy may include visiting music or sports teachers, contractors, agencies or self-employed individuals contracted by the school to provide a service, or other employees with a specific, role-related requirement including cover teachers/agencies to view personal data, including sensitive personal data. Such a named individual will, at their legitimate request, be granted either ‘read and write’ or ‘read only’ access as appropriate to specified data by the Data Protection Officer (“DPO”).

### **1.3 Data Protection Officer (DPO)**

The DPO appointed by Kensington Wade School is Alja Kranjec.

The DPO will endeavour to ensure that all personal data at Kensington Wade School is processed in compliance with this policy and the principles of the GDPR.

The DPO will also provide education, training and support to staff and governors, as well as police this policy to ensure that all applicable data at Kensington Wade School is stored and processed in compliance with this policy.

If an individual believes that any non-compliance with this policy or the GDPR has occurred they should notify the DPO immediately.

### **1.4 Processing of personal data by Kensington Wade School – (a) Pupils and parents/guardians**

Kensington Wade School may process a wide range of personal data about pupils, their parents or guardians as part of its operations. This personal data may include (but is not limited to):

- contact details
- National Curriculum and other assessment results
- attendance data
- disciplinary data
- admissions data
- references
- examination scripts and marks

- details relating to special educational needs
- images of pupils engaging in School activities

In relation to parents and/or guardians, personal data may include financial information.

The School may also process sensitive personal data such as ethnic group, religious beliefs and relevant medical information.

Personal data will usually be collected directly from parents/pupils, but some may be passed to the School by third parties, as detailed in the Kensington Wade School Privacy Notices.

Pupil data (including sensitive personal data, where appropriate) is processed by Kensington Wade School strictly in accordance with GDPR in order to:

- support its pupils' teaching and learning;
- monitor and report on their progress;
- publish examination results as separately notified to affected pupils and/or their parents and/or guardians
- provide appropriate pastoral care;
- assess how well the School as a whole is doing;
- communicate with former pupils;
- monitor pupils' and staff members email communications and internet use to ensure compliance with the School policy on the 'use of school computers and internet access'.
- where appropriate, promote the School to prospective pupils (including through the School's prospectus and online portals including intranets and websites and other promotional material); and
- other reasonable purposes relating to the operation of the School

Kensington Wade School will communicate with their pupils, parents, staff, governors and alumni by post and electronic means.

### **1.5 Processing of personal data by Kensington Wade School - (b) Staff**

As noted, personal data processed by Kensington Wade School in respect of staff members covers both facts and opinions about the individual concerned. It includes information necessary for employment such as the staff member's name and address and details for payment of salary.

A staff member's consent may be required for the processing of personal data unless processing is necessary for the performance of the contract of employment.

Any information which falls under the definition of personal data and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the staff member, or as detailed in the Kensington Wade School privacy notice.

### **1.6 Processing of personal data by Kensington Wade School – (c) General**

In accordance with best practice, Kensington Wade School shall do all that is reasonable to ensure that all personal data is:

- Fairly and lawfully processed;
- Processed for a lawful purpose;
- Adequate, relevant and not excessive;
- Accurate and up-to-date;
- Not kept for longer than necessary;
- Processed in accordance with the Data Subject's rights;
- Secure;
- Not transferred to other parties without adequate protection, and as detailed by Kensington Wade School's Privacy Notices.

We shall only process personal data about a pupil, a parent, a guardian, a staff member or governor if relevant consent has been given and/or the processing is considered a legitimate business necessity.

- For the performance of our contract with parents; or
- To comply with a legal obligation; or
- To protect the vital interests of the Data Subject; or
- For the administration of justice; or
- For the legitimate interests of the School or a third party (such as another school or an examining board).

### **1.7 Sensitive personal data**

We may, from time to time, be required to process sensitive personal data relating to a pupil, a parent, a legal guardian, education guardian or staff member.

Sensitive personal data is information as to racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical/mental health or condition, sexual life, criminal offences and sentences imposed.

Sensitive personal data will generally be processed only where one of the following conditions applies:-

- The Data Subject has given explicit consent; or
- The information has already been made public by the Data Subject; or
- There is a medical or statutory requirement to process the data, for example, a statutory requirement to safeguard and promote the welfare of the Data Subject or any statutory requirement to notify a suspicion of money laundering, or co-operate with the authorities in other ways.

Such data will not be copied or shared with any third party other than with the express, written permission of the DPO. Provision of access will be restricted solely to data which is needed for the individual to fulfil their contract of service with the School properly and to the best of their ability, and does not contravene the terms of this policy, and the GDPR.

### **1.8 Rights of access to personal data**

Individuals have a right of access to their own personal data unless an exemption applies (see below).

An individual wishing to access their personal data held by Kensington Wade School should put their request in writing to the DPO, Ms Alja Kranjec, at [office@kensingtonwade.com](mailto:office@kensingtonwade.com). The DPO shall respond to a request for access to records within 28 days of receiving the request (or earlier if practicable).

The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child.

Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

This list is not exhaustive.

GDPR provides that certain data is exempt from the right of access, including:-

- Information which identifies other individuals.
- Information which we reasonably believe likely to cause damage or distress. Data prepared solely or mainly to request or give legal advice.
- Examination scripts written by a pupil.
- Data that does not concern a living individual.
- Data that is not part of a manual or electronic filing system.
- Data that may be evidence in criminal proceedings.
- (In some cases) documents protected by copyright.

Kensington Wade School shall also treat as confidential any reference in the Schools' possession which has been prepared or given for current or prospective education, training or employment of a pupil or staff member.

Kensington Wade School acknowledge that an individual may have a right of access to a reference which the Schools receive about them from another source. Such reference will only be disclosed, however, if:

- Disclosure will not identify the source of the reference; or
- The referee has given consent; or
- Disclosure is reasonable in all the circumstances.

Kensington Wade School shall take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians, or staff members where it is reasonably necessary for them to do so.

### **Who can exercise rights?**

Rights under GDPR belong to the individual to whom the personal data relates.

In most cases, however, Kensington Wade School is entitled to rely on parental consent to process data relating to pupils unless, in the particular circumstances, it is unreasonable to rely on the parents' consent. This could arise, for example, if there is a conflict of

interests between parents and a pupil or if disclosure of information would interfere with a pupil's lawful right to confidentiality.

Kensington Wade School shall only grant a pupil direct access to their personal data if we reasonably believe that the pupil understands the nature of the request and that access would not be likely to cause damage or distress to the pupil or other pupils.

Requests from third parties concerning disclosure of personal data.

Kensington Wade School will normally disclose such data as is necessary to third parties for the following purposes: -

- To give a confidential reference relating to a Data Subject to any educational institution which it is proposed that the pupil may attend;
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that a pupil may attend;
- To publish the results of public examinations or other achievements of pupils at the School;
- To publish non-portrait-style photographs or images of pupils who are not identified by name in Kensington Wade School's prospectus or promotional video or on the Kensington Wade School website or social media accounts;
- To disclose details of a pupil's medical condition, allergies or disability, where it is in the pupil's interests that we do so, for example, for medical advice, insurance purposes or to staff members supervising sports and games or to organisers of school trips, or third parties whom Kensington Wade School contracts to offer goods/services to Kensington Wade School pupils, governors, parents or staff members, as detailed in our Privacy Notices.

In most other cases, Kensington Wade School shall not generally disclose personal data to third parties unless the Data Subject has given consent or as detailed in our Privacy Notices. If Kensington Wade School receives a disclosure request from a third party the Schools will take all reasonable steps to verify the identity of the third party before making any disclosure, and then only once a data sharing agreement is in place.

### **1.9 Publication of personal data**

A parent, or a pupil aged 12 years plus, who wishes to limit or object to the pupil's image being used in the School's promotional material should notify the DPO in writing. In the absence of notification, Kensington Wade School shall, from time to time, make use of personal data relating to pupils, their parents or guardians in the following ways:-

- In a Kensington Wade School prospectus, on a Kensington Wade School website/online portal or in other promotional literature or materials; Kensington Wade School shall not, however, publish a portrait-style photograph or the pupil's name with the image identifying the pupil without the express agreement of a parent or a pupil aged 12 years or more.
- To compile and maintain a register of current or former pupils or any necessary list of pupils representing the Schools as a member of a team or on a school trip.
- To give information relating to the fundraising activities of the Schools and initiatives considered beneficial to members of the School community.
- To maintain contact with former members of the Schools and their association and to inform them of events and activities.

### **1.10 *Third parties with whom Kensington Wade School may need to share your personal data***

From time to time Kensington Wade School may pass personal data (including sensitive personal data where appropriate) to third parties, including local authorities, other public authorities, independent school bodies such as the Independent Schools Inspectorate and the Independent Schools Council, health professionals and the School's professional advisers, who will process the data:

- to enable the relevant authorities to monitor the Schools' performance;
- to compile statistical information (normally used on an anonymous basis);
- to secure funding for the School (and where relevant, on behalf of individual pupils);
- to safeguard pupils' welfare and provide appropriate pastoral (and where relevant, medical and dental) care for pupils;
- where specifically requested by pupils and/or their parents or guardians;
- where necessary in connection with learning and co-curricular activities undertaken by pupils;
- to enable pupils to take part in national and other assessments and to monitor pupils' progress and educational needs;
- to obtain appropriate professional advice and insurance for the Schools;
- where a reference or other information about a pupil or ex-pupil is requested by another educational establishment or employer to whom they have applied;
- where otherwise required by law; and
- otherwise where reasonably necessary for the operation of the School.

Kensington Wade School may also, unless a data subject requests otherwise, share personal data about former pupils with any association, society or club set up to establish or maintain relationships with alumni of the School, who may contact alumni from time to time by post, email, social media and SMS about the School and its activities

All these are data controllers in respect of the personal data they receive, and must themselves comply with the GDPR and adhere to the public Kensington Wade School Privacy Notices.

### **1.11 *Responsibilities and obligations of staff members and governors of Kensington Wade***

All staff members and governors of Kensington Wade School have a responsibility to ensure that they process any data in relation to a Data Subjects' files in accordance with this Data Protection Policy, and in particular to ensure that that it is adequate, relevant and not excessive and also accurate and up-to-date.

All staff members and governors must ensure that any data they need to access is kept secure, both while stored or in transit.

Data moved via third party web/cloud based services should be encrypted.

Data that is the subject of this policy should not be stored outside authorised Kensington Wade School IT systems unless express written authority has been given by the DPO.

Staff members must also not pass any home contact details (staff, pupil or parent) to other parties without the consent of the Data Subject, or parent/guardian of the Data Subject as applicable.

#### **1.12 Staff Photographs**

Staff Photographs will be used for security purposes internally within the Kensington Wade School organisation, as well as for promotional purposes.

Any staff member who wishes to limit their image being used in Kensington Wade's promotional material should notify the DPO in writing.

#### **1.13 Accuracy of personal data held by Kensington Wade**

Kensington Wade School shall do all that is reasonable to ensure that personal data held in relation to an individual from time to time is accurate.

Individuals must notify the Data Manager of any changes to information held about them.

A Data Subject has the right to request that inaccurate information about them is erased or corrected.

#### **1.14 Third Party Data Processors**

Access to data may be granted to visiting music or sports teachers, contractors, agencies or self-employed individuals contracted by the school to provide a service, or other employees with a specific, role-related requirement including cover teachers/agencies to view personal data, including sensitive personal data. Where this is the case, the aforementioned individuals will be required to sign and return Appendix 1, having read this policy.

Kensington Wade School may appoint individuals not directly employed by the Schools to act on their behalf as Data Processors. This may include but is not limited to individuals, companies and organisations supplying, installing and/or maintaining Computing and IT systems and infrastructure. Where this is the case Data Processing Agreements, or Data Sharing Agreements will be put in place.

In these cases the levels of access, security and processing will be specified by Kensington Wade School as part of the contract and personal data cannot be used outside these terms.

If an individual believes that we have not complied with this policy or have acted otherwise than in accordance with the Act, they should notify the DPO.