



# Stowe School Data Protection Policy

## 1 General Statement

The School recognises that all personal data should be handled, as far as is reasonably practicable, in compliance with the Data Protection Act 1998. The School is required to process relevant personal data regarding pupils, their parents or guardians as part of its operation and shall take all reasonable steps to do so in accordance with this Policy. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this Policy any reference to pupils includes current, past or prospective pupils.

## 2 Data Protection Controller

The School has appointed the Head of ICT as Data Protection Controller (DPC) who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the Data Protection Act 1998.

## 3 The Principles

The School shall, so far as is reasonably practicable, comply with the Data Protection Principles ('the Principles') contained in the Data Protection Act to ensure all 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 (e.g. not disclosed to any unauthorised parties such as employment agencies, overseas education agencies etc.);
- Not transferred to other countries without adequate protection (e.g. educational visits).

## 4 Personal Data

Personal data covers both facts and opinions about an individual. The School may process a wide range of personal data of pupils, their parents or guardians as part of its operation. This personal data may include (but is not limited to): names and addresses, bank details, academic, disciplinary, admissions and attendance records, references, examination scripts and marks.

## 5 Processing of Personal Data

Consent may be required for the processing of personal data unless the processing is necessary for the School to undertake its obligations to pupils and their parents or guardians. 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 appropriate individual or under the terms of this Policy.

Where other educational organisations require specific data protection procedures to be followed, the School will endeavour to ensure compliance.

## **6 Sensitive Personal Data**

The School may, from time to time, be required to process sensitive personal data regarding a pupil, their parents or guardians. Sensitive personal data includes medical information and data relating to religion, race, or criminal records and proceedings. Where sensitive personal data is processed by the School but is not necessary to achieve its business objectives, the explicit consent of the appropriate individuals will generally be required in writing. This is incorporated into the body of the admission form signed upon entry to the School.

## **7 Rights of Access**

Individuals have a right of access to information held by the School. Any individual wishing to access their personal data should put their request in writing to the Director of Operations. The School will endeavour to respond to any such written requests as soon as is reasonably practicable and, in any event, within 40 days for access to records and 21 days to provide a reply to an access to information request.

Please note that the School may charge an administration fee of up to £10.00 for providing this information.

You should be aware that certain data is exempt from the right of access under the Data Protection Act. This may include information which identifies other individuals, information which the School reasonably believes is likely to cause damage or distress, or information which is subject to legal professional privilege. The School is also not required to disclose any pupil examination scripts (internal). With regard to external examination scripts, the School will follow the regulations and guidelines as set out by the JCQ.

The School will also treat as confidential any reference given by the School for the purpose of the education, training or employment, or prospective education, training or employment of any pupil. The School acknowledges that an individual may have the right to access a reference relating to them received by the School unless that reference is marked confidential. However, such a reference will only be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent, or if disclosure is reasonable in all the circumstances.

## **8 Whose Rights**

The rights under the Data Protection Act are the individual's to whom the data relates. The School will, however, in most cases rely on parental consent to process data relating to pupils, unless, given the nature of the processing in question and the pupil's age and understanding, it is unreasonable in all the circumstances to rely on parental consent. Parents should be aware that in such situations they may not be consulted.

The School will only grant the pupil direct access to their personal data if, in the School's reasonable belief, the pupil understands the nature of the request.

Pupils agree that the School may disclose their personal data to their parents or guardians.

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 or guardians, the School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the School believes disclosure will be in the best interests of the pupil or other pupils.

## **9 Exemptions**

Certain data is exempted from the provisions of the Data Protection Act which includes the following:

- The prevention or detection of crime;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School.

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPC.

## **10 Disclosure of Information**

The School may receive requests from third parties to disclose personal data it holds about pupils, their parents or guardians. The School confirms that it will not generally disclose information unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. However the School does intend to disclose such data as is necessary to third parties for the following purposes:

- To give a confidential reference relating to a pupil 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 the pupil may attend.
- To publish the results of public examinations or other achievements of pupils of the School.
- To disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips.

Where the School receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

## **11 Use of Personal images by the School**

The School will, from time to time, make use of personal data relating to pupils, their parents or guardians in the following ways. Should you wish to limit or object to any such use please notify the Director of Operations in writing.

Within the School Contract, parents consent to the School obtaining and using photographs or images, including video recordings, of the pupil for use in the School's promotional material such as the prospectus, the website or social media; for press and media purposes or for educational purposes as part of the curriculum or extra-curricular activities.

The School may seek specific consent from the parents before using a photograph or video recording where the School considers that the use is intrusive.

Where the pupil is of sufficient maturity (usually when aged 12 years or older) we may seek the pupil's specific prior consent in addition to or instead of the Parents' consent. We would not disclose the home address of the pupil without the Parents' consent.

## **12 Accuracy**

The School will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the School of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

## **13 Security**

The School will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. The School will ensure that all personal information is held securely and is not accessible to unauthorised persons.

## **14 Enforcement**

If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, they should inform the Data Protection Controller as mentioned at point 2 above. Pupils may inform their Housemaster; staff may follow the Staff Grievance procedure.

The logo for Stowe, featuring the word 'Stowe' in a large, elegant, blue cursive script.