MERCHISTON CASTLE SCHOOL - PRIVACY NOTICE

WHO WE ARE

In accordance with the General Data Protection Regulation (EU 2016/679) and the UK Data Protection Act 2018, the School has notified the Information Commissioner's Office ("ICO") of its processing activities. The School's ICO registration number is Z5736191 and its registered address is 294 Colinton Road, Edinburgh, EH13 0PU. The School's registration can be viewed online: https://ico.org.uk/ESDWebPages/Entry/Z5736191

The School has appointed a Data Protection Compliance Officer who will endeavour to ensure that all personal data is processed in compliance with this policy and the principles of the DPA. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the Data Protection Compliance Officer at **data-protection@merchiston.co.uk**.

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 governors; 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, governors, 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 CCTV Policy;
- the school's Data Retention 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.

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 the school's Data Protection Policy for Staff, which also provides further information about how personal data about those individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

The School a Data Protection Compliance Officer who will deal with all 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.

You can contact the Data Protection Compliance Officer via email at **data-protection@merchiston.co.uk**.

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 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 donor due diligence, and to confirm the identity of prospective donors and their background;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity or gender pay gap analysis and 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; 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 IT: 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, including CCTV in accordance with the school's CCTV policy; 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, biometrics or sexual life) or criminal records information (such as when carrying out Disclosure Scotland 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;
- To provide spiritual education in the context of any religious beliefs;
- In connection with employment of its staff, for example Disclosure Scotland checks, welfare or pension plans;
- 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 (about those who use our car parking facilities);
- 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;
- 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, and images captured by the school's CCTV system (in accordance with the school's Photography Policy);

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).

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).

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). All pupils are enrolled into the Merchistonian Club, which is our alumnus organisation, and invited prior to leaving the School to join our mailing list to receive communications from the Merchistonian Club.

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 Medical Centre, or otherwise in accordance with express consent); and
- pastoral or safeguarding files.

However, a certain amount of any pupil's information regarding educational needs 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 GIRFEC - Getting It Right For Every Child) 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 Care Inspectorate or Police Scotland. 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 subj ect 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. This is in line with our Data Retention Policy.

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 our Data Protection Compliance Officer via email at **data-protection@merchiston.co.uk**. 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 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 may 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 Merchistonian Club;
- Contact parents and/or alumni by post and email in order to promote and raise funds for the school;
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Data Protection Compliance Officer via email at **data-protection@merchiston.co.uk**. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the school may need nonetheless 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

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 subj ect 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, should put their request in writing to the Data Protection Compliance Officer via email at **subject-access-request@merchiston.co.uk**.

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 is manifestly excessive or similar to previous requests, the school may ask you to reconsider or charge a proportionate fee, but only where Data Protection law allows it.

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subj ect to legal professional privilege. The school is also not required to disclose any pupil examination scripts (though examiners' comments may fall to be disclosed), nor any confidential reference given by the school for the purposes of the education, training or employment of any individual.

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 expected to make a subj ect access request on behalf of younger pupils (aged under 12 years in Scotland), the information in question is always considered in law to be the child's. A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf, and moreover (if of sufficient age) their consent or authority may need to be sought by the parent. Pupils aged 12 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. Children younger than 12 may be sufficiently mature to have a say in this decision. All subject access requests from pupils will therefore be considered on a case by case basis.

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 Privacy Notice 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 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 consent from parents 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 in 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 Acceptable Use Policy for pupils and the school rules. Staff are under professional duties to do the same covered under the relevant staff policies.

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 Data Protection Compliance Officer (**data-protection@merchiston.co.uk**) of any changes to information held about them.

An individual has the right to request that any inaccurate or out-of-date information about them is erased or corrected (subject to certain exemptions and limitations under Act): please see above.

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.

QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the Data Protection Compliance Officer by email at **data-protection@merchiston.co.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 Compliance Officer (**data-protection@merchiston.co.uk**). The school can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO) (www.ico.org.uk), although the ICO recommends that steps are taken to resolve the matter with the school before involving the regulator.

Glossary of key terms

"**Data controllers**" means organisations, including independent schools, that determine how people's personal data is processed and for what purpose. Strictly – and in liability terms – this may be trustees / board of governors, or the "top" company or charity in a group, depending on how the school (or group of schools) is structured. However, as a pragmatic distinction, each individual school is likely to make its own decisions about use of data and needs its own policies and Privacy Notice.

"**Data Subjects**" means any living individuals whose data the Data Controller processes.

"**Processing**" means any action in relation to that personal data, including filing and communication.

"**Personal Data**" includes everything from which a Data Subject can be identified. It ranges from simple contact details via personnel or pupil files to safeguarding information, and encompasses opinions, file notes or minutes, a record of anyone's intentions towards that person, and communications (such as emails) with or about them.

Sone categories of Personal Data are "**special category data**" under the GDPR (broadly equivalent to "sensitive" personal data under the old law, but with criminal data treated separately). These comprise data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; data concerning health or data concerning a natural person's sex life or sexual orientation; and (new to GDPR) biometric data. Extra protection is provided for these data.