



## Abbey Gate College

POLICY: Privacy Notice for Website	
Scope	Whole College
Responsibility	Data Protection Officer
Review & Update	March 2023
Governor Approval	James Brown
Board Level Approval	Andrew Grime

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## Policy Statement (1)

At Abbey Gate College we are committed to protecting and respecting individuals' privacy and data. This policy is intended to provide information about how the College will use (or "process") personal data about individuals including:

- 1) staff;
- 2) governors;
- 3) current, past and prospective pupils;
- 4) parents, carers or guardians (referred to in this policy as "parents"). Collectively, we refer to these individuals as the College's community.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand the College's obligations to its entire community.

This Privacy Notice applies alongside any other information the College 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 College's other relevant terms and conditions and policies, including:

- 1) any contract between the College and its staff or the parents of pupils;
- 2) the *Data Management Handbook*, including the College's policies on *Mobile Devices*, *Acceptable Use*, *CCTV*, *Retention of Records*;
- 3) the College's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- 4) the College's IT policies, including online safeguarding policy.

Anyone who works for, or acts on behalf of, the College (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Notice and the College's data protection policy (within the data management handbook for staff, which also provides further information about how personal data about those individuals will be used).

**The School DPO Service** acts as our data protection provider, including named Data Protection Officer, as below, for Abbey Gate College.

## Policy Statement (2)

- 1) This policy applies to all members of the Abbey Gate College community, including those in our EYFS setting.
- 2) Abbey Gate College implements this policy through adherence to the procedures set out in the rest of this document.
- 3) This policy is made available to relevant parties on the College website at [www.abbeygatecollege.co.uk](http://www.abbeygatecollege.co.uk). This policy should be read in conjunction with the College's *Data Management Handbook*, *Safeguarding*, *Health and Safety* and *IT policies* as outlined in Policy Statement (1).

- 4) Abbey Gate College is fully committed to ensuring that the application of this policy is in adherence to the General Data Protection Regulation (2018). Further details are available in the College's *Data Management Handbook* policy document.
- 5) Abbey Gate College is fully committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the College's *EDI* policy document.
- 6) This policy is reviewed at least annually, or as events or legislation changes require, by the College Leadership Team and the Governing Body. The deadline for the next review is no later than 12 months after the most recent review date indicated above. Any substantial changes that affect individuals' rights will be provided to them directly as far as is reasonably practicable.
- 7) The most recent updates were made on account of personnel changes.

### **Key Personnel**

- 1) Carole Connelly: Data Protection Officer (DPO – external)
- 2) Helen Goodall: Data Manager
- 3) James Brown: Governor responsible for Data Protection
- 4) Andrew Grime: Chair of Governing Body
- 5) Craig Jenkinson: Head

### **Practice (1) – Responsibility for Data Protection**

Deeside House Educational Trust Ltd (the 'Company') trading as Abbey Gate College is a 'data controller' and gathers and uses certain information about individuals. In this notice, references to 'we' or 'us' mean the Company/College.

The College has appointed the Head as the Privacy Compliance Officer who will deal with all requests and enquiries concerning the College's uses of individuals' personal data (see Practice (8) on 'Individuals' Rights' below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

The Data Protection Officer can be contacted via the College's postal address, by telephone via 01244 332077 (Main Reception) or by email via [admin@abbeygatecollege.co.uk](mailto:admin@abbeygatecollege.co.uk).

### **Practice (2) – Lawful Basis for Collecting Data**

In order to carry out its ordinary duties to staff, pupils and parents, the College needs to 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 will need to be carried out in order for the College 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 College'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 College expects that the following uses will fall within that category of its (or its community's) "**legitimate interests**":

- 1) For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- 2) 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;
- 3) To enable access to lessons for students off-site, if they are unable to connect with 'live' transmission. For clarity, lessons delivered through, for example, MS Teams are normally not recorded and are accessible only on a synchronous basis. Any exception to this will be by prior arrangement and authorisation with the member of staff, who will actively enable the 'record' feature.
- 4) Maintaining relationships with alumni and the College community, including direct marketing or fundraising activity;
- 5) For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests;
- 6) 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);
- 7) To enable relevant authorities to monitor the College's performance and to intervene or assist with incidents as appropriate;
- 8) 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;
- 9) 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 College;
- 10) To safeguard pupils' welfare and provide appropriate pastoral care;
- 11) To monitor (as appropriate) use of the College's IT and communications systems in accordance with the College's acceptable use policy;
- 12) To make use of photographic images of pupils in College publications, on the College website and (where appropriate) on the College's social media channels in accordance with the College's policy on taking, storing and using images of children;
- 13) For security purposes, including CCTV in accordance with the College's CCTV policy;
- 14) To carry out or cooperate with any College or external complaints, disciplinary or investigation process; and
- 15) Where otherwise reasonably necessary for the College's purposes, including to obtain appropriate professional advice and insurance for the College.

In addition, the College 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:

- 1) We have obtained your explicit consent to use your child's personal data in a certain way

- 2) We need to perform or exercise an obligation or right in relation to employment, social security or social protection law
- 3) We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- 4) The data concerned has already been made manifestly public by you
- 5) We need to process it for the establishment, exercise or defence of legal claims
- 6) We need to process it for reasons of substantial public interest as defined in legislation
- 7) We need to process it for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- 8) We need to process it for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- 9) We need to process it for archiving purposes, scientific or historical research purposes, or for statistical purposes, and the processing is in the public interest

For criminal offence data, we will only collect and use it when we have both a lawful basis, as set out above, and a condition for processing as set out in data protection law. Conditions include:

- 1) We have obtained your consent to use it in a specific way
- 2) We need to protect an individual's vital interests (i.e. protect your child's life or someone else's life), in situations where you're physically or legally incapable of giving consent
- 3) The data concerned has already been made manifestly public by you
- 4) We need to process it for, or in connection with, legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- 5) We need to process it for reasons of substantial public interest as defined in legislation

### **Practice (3) – Types of Data Processed by the College**

Personal data that we may collect, use, store and share (when appropriate) includes, but is not restricted to:

- 1) Contact details, contact preferences, date of birth, identification documents
- 2) Results of internal assessments and externally set exams
- 3) Pupil and curricular records
- 4) Exclusion information
- 5) Attendance information
- 6) Safeguarding information
- 7) Details of any support received, including care packages, plans and support providers
- 8) References given or received by the College about staff and pupils
- 9) Bank details and other financial information where needed for fees payments, bursaries and salaries

We may also collect, use, store and share (when appropriate) information about pupils that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

- Any medical conditions we need to be aware of, including physical and mental health
- Photographs and CCTV images captured in school
- Characteristics, such as ethnic background or special educational needs

We may also hold data about pupils that we have received from other organisations, including other schools and social services

#### **Practice (4) – How the College collects Data**

While the majority of information we collect about pupils and staff is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

Generally, the College 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 will be supplied by third parties (for example another school, or other professionals or authorities working with that individual); or collected from publicly available resources. Some of the reasons listed above for collecting and using personal information overlap, and there may be several grounds which justify the school's use of individuals' data.

#### **Practice (5) – Access to Personal Data & Sharing**

We do not share information about pupils and staff with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law), we may share personal information about pupils or staff with:

- 1) professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- 2) government authorities (e.g. HMRC, DfE, police or the local authority);
- 3) examination boards; and
- 4) appropriate regulatory bodies (e.g. the Teaching Regulation Agency, the [Independent Schools' Inspectorate](#), the Charity Commission or the Information Commissioner).

For the most part, personal data collected by the College will remain within the College, 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:

- 1) medical records held and accessed only by the College's Lead First-Aider and appropriate medical staff under their supervision, or otherwise in accordance with express consent;
- 2) pastoral or safeguarding files.

The College needs to process such information to comply with statutory duties and to keep pupils and others safe, but the College will ensure only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for College trips or for catering purposes. Express consent will be sought where appropriate.

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

Staff, pupils and parents are reminded that the College 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 College's *Safeguarding Policy*.

KCSIE also requires that, whenever a child leaves the school to join another school or college, his or her child protection file is promptly provided to the new organisation. The school will retain a copy in accordance with its retention policy for material related to safeguarding matters.

Finally, in accordance with Data Protection Law, some of the College'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 College's specific directions.

### **Practice (6) – Retention of Personal Data**

We keep personal information about your child while they are attending our school.

The College will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. We may also keep it beyond a pupil's attendance at the College if this is necessary. Our retention schedule sets out how long we keep information about pupils.

On leaving the school pupils' contact information is passed to the Alumni office for the purpose of maintaining relationships. Publications, programmes, photographs and other such items are kept in the archive for historical record and use. For more information refer to the College archive policy.

We have put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

We will dispose of staff and personal data securely when we no longer need it.

### **Practice (7) – Keeping in Touch and Supporting the College**

The College will use the contact details of parents, alumni and other members of the College community to keep them updated about the activities of the College, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the College will also:

- 1) Share personal data about parents and/or alumni, if applicable and as appropriate, with organisations set up to help establish and maintain relationships with the College community.
- 2) Contact parents and/or alumni by post and email in order to promote and raise funds for the College and, where appropriate, other worthy causes.

### Practice (8) – Individuals' Rights

Individuals have the following rights:

- 1) to obtain access to, and copies of, the personal data that we hold about them;
- 2) to require us to correct the personal data we hold about them if it is incorrect;
- 3) to require us (in certain circumstances) to erase their personal data;
- 4) to request that we restrict our data processing activities (and, where our processing is based on their consent, they may withdraw that consent, without affecting the lawfulness of our processing based on consent before its withdrawal);
- 5) to receive from us the personal data we hold about them which they have provided to us, in a reasonable format specified by them, including for the purpose of them transmitting that personal data to another data controller;
- 6) to object, on grounds relating to their particular situation, to any of our particular processing activities where they feel this has a disproportionate impact on their rights.

Please note that the above rights are not absolute, and we may be entitled to refuse requests where exceptions apply. The school will endeavour to respond to any such requests as soon as is reasonably practicable and in any event within statutory time-limits. .

### Requests that cannot be fulfilled

Individuals should be aware that the right of access is limited to their own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents 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 College, or documents prepared in connection with a legal action).

The College is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the College itself for the purposes of the education, training or employment of any individual.

Whilst a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's; for older pupils, the parent making the request may need to evidence their child's authority for the specific request.

### Parental Requests, etc.

It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents 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 pupils without their consent. The College may consider there are lawful grounds for sharing with or without reference to that pupil.

Parents will in general receive educational and pastoral updates about their children. Where parents are separated, the College will in most cases aim to provide the same information to each person with parental responsibility, but may need to factor in all the circumstances including the express wishes of the child.

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

### Consent

Where the College 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 certain types of uses of images and certain types of fundraising activity. Please be aware however that the College may not be relying on consent but have another lawful reason to process the personal data in question even without an individual's 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 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 College will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils – for example, under the parent contract, or via a form. Parents and pupils should be aware that this is not necessarily the same as the College 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 pupil's age and understanding – to seek 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.

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 College may be under an obligation to maintain confidentiality unless, in the College's opinion, there is a good reason to do otherwise; for example where the College 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 College's acceptable use policy and the College rules. Staff are under professional duties to do the same covered under the relevant staff policy.

#### **Practice (9) – Data Accuracy and Security**

The College 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 office (admin@abbeygatecollege.co.uk) 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 College may need to process an individual's data, or whom an individual may contact if they disagree.

The College 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 College systems. All staff and governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

#### **Practice (10) – Queries and Complaints**

Any comments or queries on this policy should be directed to the Head using the contact details shown under *Section 1 – Responsibility for Data Protection of this Privacy Policy*.

If an individual believes that the College has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the College's complaints procedure and should also notify the Head. An individual 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 College before involving the regulator.