



# DATA PROTECTION POLICY

Data Protection Policy  
RGS Worcester  
September 2019

## DATA PROTECTION POLICY

Data protection is an important legal compliance issue for the RGS Worcester family of schools. During the course of the School's activities it collects, stores and processes personal data (sometimes sensitive in nature) about staff, pupils, their parents, its contractors and other third parties (in a manner more fully detailed in the School's Privacy Notice. The School, as "data controller", is liable for the actions of its staff and governors in how they handle data. It is therefore an area where all staff have a part to play in ensuring we comply with and are mindful of our legal obligations, whether that personal data handling is sensitive or routine.

The law changed on 25 May 2018 with the implementation of the General Data Protection Regulation (GDPR) – an EU Regulation that is directly effective in the UK, regardless of Brexit status – and a new Data Protection Act 2018 (DPA 2018) was also passed to deal with certain issues left for national law. The DPA 2018 included specific provisions of relevance to independent schools: in particular, in the context of our safeguarding obligations, and regarding the right of access to personal data.

Without fundamentally changing the principles of data protection law, and while providing some helpful new grounds for processing certain types of personal data, in most ways this new law has strengthened the rights of individuals and placed tougher compliance obligations on organisations including schools that handle personal information. The Information Commissioner's Office (ICO) is responsible for enforcing data protection law, will typically look into individuals' complaints routinely and without cost, and has various powers to take action for breaches of the law.

The GDPR sets out six principles relating to the processing of personal data which must be adhered to by data controllers (and data processors). These require that personal data must be:

1. Processed lawfully, fairly and in a transparent manner;
2. Collected for specific and explicit purposes and only for the purposes it was collected for;
3. Relevant and limited to what is necessary for the purposes it is processed;
4. Accurate and kept up to date;
5. Kept for no longer than is necessary for the purposes for which it is processed; and
6. Processed in a manner that ensures appropriate security of the personal data.

The GDPR's broader 'accountability' principle also requires that the School not only processes personal data in a fair and legal manner but that we are also able to demonstrate that our processing is lawful. This involves, among other things:

- keeping records of our data processing activities, including by way of logs and policies;
- documenting significant decisions and assessments about how we use personal data (including via formal risk assessment documents called Data Protection Impact Assessments); and
- generally having an 'audit trail' vis-à-vis data protection and privacy matters, including for example when and how our Privacy Notice(s) were updated; when staff training was undertaken; how and when any data protection consents were collected from individuals; how personal data breaches were dealt with, whether or not reported (and to whom), etc.

## 1. Policy Statement

This policy applies to the four schools comprising RGS Worcester (RGSW, “the School” or “the Schools”), being RGS Worcester, RGS Dodderhill, RGS The Grange and RGS Springfield.

It is the specific policy of RGSW to:-

- take all appropriate and reasonable steps to ensure the rights of RGSW staff, pupils, parents and Governors (“Data Subjects”) with respect to their personal data are protected;
- to take all reasonable steps to ensure that personal data held by RGSW in relation to a Data Subject is both accurate and secure; and
- to comply with all relevant legislation.

All members of RGSW staff will be made aware of this policy and of their duties under current legislation, in particular the General Data Protection Regulations (GDPR). This policy will be published both externally as well as internally.

## 2. Application Guidance

RGSW 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 RGSW will ensure compliance with its obligations with respect to the protection of personal data that it holds and uses.

### 2.1 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 RGSW 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.

Every 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
- National Insurance numbers
- Bank details and other financial information
- Academic, disciplinary, admissions and attendance records and references
- Medical records
- Examination and scripts and marks
- Photographs
- Video and CCTV images

## 2.2 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 Privacy and Compliance Officer (“PCO”).

## 2.3 Privacy and Compliance Officer (PCO)

The PCO appointed by RGSW is The Director of Finance and Operations. The Deputy PCO is the Director of Innovation.

The PCO and Deputy will endeavour to ensure that all personal data at RGSW is processed in compliance with this policy and the principles of the GDPR.

The PCO and Deputy PCO will also provide education, training and support to staff and governors, as well as police this policy to ensure that all applicable data at RGSW 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 PCO or Deputy PCO immediately.

## 2.4 Processing of personal data by RGSW – (a) Pupils and parents/guardians

RGSW 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 RGSW Privacy Notices.

Pupil data (including sensitive personal data, where appropriate) is processed by RGSW 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.

RGSW will communicate with his pupils, parents, staff, governors and alumni by post and electronic means.

## 2.5 Processing of personal data by RGSW - (b) Staff

As noted, personal data processed by RGSW 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 RGSW privacy notice.

## 2.6 Processing of personal data by RGSW – (c) General

In accordance with best practice, RGSW 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 RGSW'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).

## 2.7 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 PCO. 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.

## 2.8 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 RGSW should put their request in writing to the PCO. The PCO 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.

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

RGSW 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.

RGSW 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.

## 2.9 Who can exercise rights?

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

In most cases, however, RGSW 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.

RGSW 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. Privacy Notices will be issued to Sixth Form Pupils.

## 2.10 Requests from third parties concerning disclosure of personal data

RGSW 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, or to a prospective employer;
- 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 an RGSW prospectus or promotional video or on an RGSW website or online portal;
- 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 RGSW contracts to offer goods/services to RGSW pupils, governors, parents or staff members, as detailed in our Privacy Notices.

In most other cases, RGSW shall not generally disclose personal data to third parties unless the Data Subject has given consent or as detailed in our Privacy Notices. If RGSW 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.

## 2.11 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 PCO in writing. In the absence of notification, RGSW shall, from time to time, make use of personal data relating to pupils, their parents or guardians in the following ways:

- In an RGSW prospectus, on an RGSW website/online portal or in other promotional literature or materials; RGSW 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.

## 2.12 Third parties with whom RGSW may need to share your personal data

From time to time RGSW 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 Schools (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 Schools.

RGSW 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 RGSW Privacy Notices.

#### 2.13 Responsibilities and obligations of staff members and governors of RGSW

All staff members and governors of RGSW 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 RGSW IT systems unless express written authority has been given by the PCO.

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.

#### 2.14 Staff Photographs

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

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

#### 2.15 Accuracy of personal data held by RGSW

RGSW 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 respective 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.

## 2.16 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.

RGSW 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 RGSW 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 PCO.

Sponsor: Director of Innovation

- Created September 2014 and replaces the Data Protection Policy for Staff
- Reviewed 29 September 2015 - now includes reference to Sports and Music Teachers not employed by the School.
- Reviewed 26 September 2016 – statement reference determining the identity in the event of a SAR included.
- Reviewed on 8th August 2017, note included setting expiration date of this policy prior to the introduction of GDPR.
- Reviewed on May 20th 2018, amended, so as to comply with GDPR. Reviewed by the Director of Computing of IT – Endorsed on 21 May 2018 by Governor A.G.
- Reviewed by the Director of Innovation September 2019, checked against ISBA

Appendix 1

Access to data by 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.

I the undersigned, have a legitimate reason to be granted 'read only' or 'read and write' access to personal data, which may include sensitive personal data held securely by the Privacy and Compliance Officer at RGSW on behalf of RGS Worcester.

I confirm my understanding of the School's Data Protection Policy, and undertake to abide by its conditions. In particular, my attention has been drawn to the obligation placed on me to adhere to the RGS Data Protection Policy, namely:

Data shared, created or accessible by me/my organisation will not be copied or shared with any third party other than with the express, written permission of the RGS PCO.

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 or the Computer Misuse Act."

I also undertake to notify the Data Controller(s) immediately in the following circumstances:-

When I no longer have a legitimate need to access any or all of the data for which I have been granted access,

If I have reason to believe that my IT security has or may have been compromised in any way, thereby affecting the security of the School's data to which I have, or have had, access.

I understand that my access rights may be withdrawn at any time by the Data Controller(s) who will notify me if this occurs.

Signed .....

Dated .....