

Forres Sandle Manor (Non-Academic) Notice

Policy Title	FSM Privacy Notice
Policy Lead (Appointment (& Initials))	Director of Finance and Operations
Date of Last Review	May 2020
Date of Next Review	May 2022

FSM PRIVACY NOTICE

WHO WE ARE

- Forres Sandle Manor Educational Trust Limited (“FSM”, “we” or “us” or “our”) gather and process your personal information in accordance with this *Privacy Notice* and in compliance with the relevant data protection Regulation and laws. This notice provides you with the necessary information regarding your rights and our obligations, and explains how, why and when we process your personal data.
- FSM’s registered office is at Forres Sandle Manor, Station Road, Sandleheath, Fordingbridge, Hampshire, SP6 1NS. We are a company (limited by guarantee) registered in England and Wales under Company Number 1616533 and Charity Number 284260. We are registered on the Information Commissioner’s Office (ICO) Register as Registration Number Z8494481 and act as the data controller when processing your data.

THE PURPOSE OF THIS NOTICE

- This notice is intended to provide information about how we will use (or *process*) personal data about individuals including its staff, its current, past and prospective pupils, and their parents, carers or guardians (referred to hereafter in this notice as *parents*).
- This information is provided because Data Protection Law provides individuals with rights to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand our obligations to the entire FSM community.
- This Privacy Notice also applies in addition to FSM’s other relevant terms and conditions and policies, including:
 - any contract between FSM and its staff or the parents of pupils;
 - FSM’s policy on taking, storing and using images of children;
 - Our CCTV policy;
 - FSM’s storage and retention of records policy;
 - Our safeguarding, pastoral, and health and safety policies, including how personal concerns or incidents are recorded; and

- FSM's IT policies, including its Acceptable Use Policy (AUP), e-Safety policy, Remote Working Policy (in draft) and Bring Your Own Device (BYOD) policy.
- Anyone who works for, or acts on behalf of FSM (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Notice together with our Data Protection Policy which provides further information about how personal data for individuals may be used by us.

RESPONSIBILITY FOR DATA PROTECTION

- Our designated Data Protection Officer (DPO) is the Director of Finance and Operations who can be contacted at Forres Sandle Manor School, Station Road, Fordingbridge, Hampshire, SP6 1NS. Direct contact number is 01425-651801 or e-mail rdupton@fsmsschool.com.
- The DPO will deal with all your requests and enquiries concerning FSM's uses of your personal data (refer to the section on *Your Rights* below) and endeavour to ensure that all personal data is processed in compliance with this notice and Data Protection Law.

WHY WE NEED TO PROCESS PERSONAL DATA

- In order to carry out its ordinary duties to staff, pupils and parents, FSM needs to process a 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 we need to carry out in order to fulfil our legal rights, duties or obligations – including those under a contract with our staff, parents or our pupils.
- Other uses of personal data will be made in accordance with the school's *legitimate interests*, or the *legitimate interests* of another person, provided that these are not overshadowed by the impact on individuals.
- FSM expects that the following reasons to process that data will fall within the category of our ***legitimate interests***:
 - For the purposes of pupil recruitment (and to confirm the identity of prospective pupils and their parents)
 - To provide education services and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs
 - Maintaining relationships with alumni and the FSM community, including some limited fundraising activity
 - 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)

- To enable relevant authorities to monitor FSM'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 or from any educational institution that the pupil attended or where it is proposed they attend
 - To provide references to potential employers of previous members of staff
 - To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils at FSM
 - To safeguard pupils' welfare and provide appropriate pastoral care
 - To monitor use of FSM's IT and communications systems in accordance with our IT acceptable use policy (AUP)
 - To make use of photographic images of pupils in FSM publications, on our website and on the FSM's social media channels in accordance with our policy on taking, storing and using images of children
 - For security purposes, including CCTV in accordance with our CCTV policy
 - To carry out or cooperate with any school or external complaints, disciplinary or investigation process
 - To obtain appropriate professional advice and insurance
 - And *where otherwise reasonably necessary* for FSM's purposes
- In addition, we shall, on occasion, need to process *special category personal data*. This concerns matters such as health, ethnicity, religion, biometrics or sexual life or criminal records information (such as the conduct of DBS checks) in accordance with rights or duties imposed on us by law, including safeguarding and employment law, or from time to time by *explicit consent* where required. These reasons will include:
 - To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, medical) care
 - To take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so - for example for medical advice, for social protection, safeguarding, and cooperation with police or social services. Additionally for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or particular medical needs
 - To provide educational services in the context of any special educational needs (SEN) of a pupil
 - To provide spiritual education in the context of any religious beliefs
 - In connection with employment of our staff, for example DBS checks, welfare, or pension plans
 - To run any of our systems that may operate on biometric data, such as security and other forms of administrative pupil identification
 - To carry out or cooperate with any FSM or external complaints, disciplinary or investigation process that involves this sort of data, for example if there are SEN, health or safeguarding elements

- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with our legal obligations and duties of care.

TYPES OF PERSONAL DATA PROCESSED BY US

- This will include, by way of example:
 - names, dates of birth, addresses, telephone numbers, e-mail addresses and other contact details
 - special category personal data (health, ethnicity, religion, biometrics, sexual life, or criminal records information)
 - car details (for those who use our car parking facilities)
 - bank details and other financial information
 - past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks
 - personnel files, including those connected with employment or safeguarding including National Insurances information, passport number and drivers licence details and, where appropriate, contact details for next of kin
 - references given or received by us about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils
 - correspondence with and concerning staff, pupils and parents past and present
 - images of pupils (and occasionally other individuals) engaging in school activities, and images captured by the our CCTV system (in accordance with our policy on taking, storing and using images of children)

HOW WE COLLECT DATA

- Generally, we receive 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 3rd parties (for example another school, or other professionals, agents or authorities working with that individual).

WHO HAS ACCESS TO YOUR PERSONAL DATA AND WHO DO WE SHARE IT WITH

Occasionally, we will need to share personal information relating to our community with 3rd parties, such as:

- professional advisers (lawyers, insurers, PR advisers and auditors)
- government authorities (HMRC, Department for Education (DfE), police or the local authority)

- appropriate regulatory bodies: NCTL¹, ISI², ICO³ and the Charity Commission.
- For the most part, personal data collected by FSM will remain in our possession and will be processed by appropriate individuals only in accordance with access protocols. Particularly strict rules of access apply in the context of:
 - medical records (held securely and accessed only by the FSM doctor and appropriate medical staff under his/her supervision, or otherwise in accordance with express consent)
 - pastoral or safeguarding files
- However, a certain amount of any special education needs (SEN) pupil's relevant information 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 FSM is under duties imposed by law and statutory guidance (including *Keeping Children Safe in Education (KCSIE)*) to record or report incidents and concerns that arise or are reported to us, 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 generate and include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the Designated Officer, or police. For more information about this, please view our Safeguarding Policy.
- Finally, in accordance with Data Protection Law, some of our processing activity is carried out on its behalf by 3rd parties, such as IT systems, web developers and cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with our specific directions.

HOW LONG WE KEEP PERSONAL DATA

- FSM will retain personal data securely and only in line with how long it is necessary to be kept for a legitimate and lawful reason. Typically, the legal recommendation for ordinary staff and pupil personnel files is up to 7 years following departure from FSM. However, incident reports and safeguarding files will need to be kept longer, in accordance with specific legal requirements.
- If you have any specific queries about how our data retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact Roger Dutton (see Page 2). However, please bear in mind that we shall often have lawful and necessary reasons to preserve some personal data even following such a request.

¹ NCTL: National College for Teaching & Leadership

² ISI: Independent Schools Inspectorate

³ ICO: Information Commissioner's Office

- A limited and reasonable amount of information will need to be kept. For example, even where you have requested we no longer keep in touch with you, we will need to keep a record of that request in order to fulfil that wish (called a *suppression record*).
- Full details about our *Data Retention and Storage of Documents* guidelines can be found on the FSM website.

KEEPING IN TOUCH AND SUPPORTING FSM

- FSM will use the contact details of parents, alumni and other members of our school community to keep them updated about the activities at FSM, or alumni and parent events of interest, including the sending of updates and newsletters, by email and by post. Unless the relevant individual objects, we will:
 - Share personal data about parents and/or alumni, as appropriate only with organisations set up to help establish and maintain relationships with us such as the FOSM Committee and the FSM Alumni Association.
 - Contact parents, FOSM Committee and/or alumni by post and email in order to promote and raise funds for FSM and, where appropriate, other worthy causes.
 - Should you wish to limit or object to any such use, or would like further information about them, please contact Roger Dutton in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, FSM is nonetheless likely to retain the minimum details under the *suppression record* provisions.

YOUR RIGHTS

- Rights of Access
 - Individuals have various rights under Data Protection Law to access and understand personal data about them held by FSM, and in some cases ask for it to be erased or amended or have it transferred to others, or for us to stop processing it, but subject 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, or who has some other objection to how their personal data is used, should put their request in writing to Roger Dutton (see Page 2 for the contact details).
 - We will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within the statutory time-limits (which is *one month* in the case of requests for access to information).
 - We will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, we may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

- Requests that Cannot be Fulfilled

- You should be aware that the *right of access* is limited to your 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 - see more below), or information which is subject to *legal privilege* (for example legal advice given to or sought by FSM, or documents prepared in connection with a legal action).
- FSM 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 us for the purposes of the education, training or employment of any individual.
- You may also have heard of the *right to be forgotten*. However, we will sometimes have compelling reasons to decline specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice (Page 2). All such requests will be considered on their own merits and be fully explained at the time.

- Pupil Requests

- Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of FSM, they have sufficient maturity to understand the request they are making (see section *Whose Rights?* below). A pupil of any age may ask a parent or other representative to make a *subject access request* (clarified in FSM's Data Protection Policy available on our website) on his/her behalf.
- 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.
- Pupils at secondary schools, aged 13 and above, are generally assumed to have the required level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. However, slightly younger children (senior prep school pupils for example) may be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

- Parental Requests

- We would emphasise 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 to receive certain information about pupils without the pupils consent. FSM may determine 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, in line with the Parental Contract. Where parents are separated, we will in most cases aim to provide the same information to each person with parental responsibility, but would 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 by us on a case by case basis.

- Consent

- Where FSM 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). *Importantly, we do rely on an affirmative response to consent for use of images as part of our wider marketing activity.*
- However, please be aware that FSM may not be relying on consent but have another lawful reason to process personal data even without your consent. Those reasons will have been asserted under this Privacy Notice (Page 2), or may otherwise exist under some form of contract or agreement with the individual⁴.

- Whose Rights?

- The rights under Data Protection Law belong to the individual to whom the data relates. However, we will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils; for example, under the parental contract, or via a submitted form.
- Where consent is required, it may in some cases be necessary or appropriate, given the nature of the processing, and the pupil's age and comprehension, 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 parental contract, and all the prevailing circumstances.

⁴ For example, an employees or parental contract, or because a purchase of goods, services or membership of an organisation such as an alumni or parents' association has been requested).

- In general, we will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents; for example for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare. That is unless, in our carefully considered 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, FSM may be under an obligation to maintain confidentiality unless, in our view, there is a good reason to do otherwise; for example where we believe 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 FSM's Acceptable Use of IT Policy and the school rules. Staff are under professional duties to do the same which is covered under the relevant staff policy and employment contracts.

DATA ACCURACY AND SECURITY

- FSM will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals should notify Roger Dutton of any significant changes to important information held about them.
- An individual has the right to request that any out-of-date, irrelevant or inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law). Please see Page 2 for details as to why we may need to process your data and who you may contact if you disagree.
- We 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 Privacy Notice and their duties under Data Protection Law.

THIS PRIVACY NOTICE

- FSM will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

QUERIES AND COMPLAINTS

- Any comments or queries on this Notice should be directed to Roger Dutton (FSM Bursar) who can be contacted at Forres Sandle Manor School, Station Road, Fordingbridge, Hampshire, SP6 1NS. Direct contact number is 01425-651801 or e-mail rdutton@fsm.school.com.

- If an individual believes that FSM has not complied with this Notice or acted otherwise than in accordance with Data Protection Law, they should utilise FSM's Complaints Procedure and should also notify the Bursar, as shown above. You 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 school before involving the regulator.
- ICO Helpline: 0303 123 1113