

# UPPINGHAM

## Privacy Notice

### Who We Are

Uppingham School is a co-educational boarding school registered as a charity (number 1147280), and as a company limited by guarantee (number 08013826).

The objects of the charity are “to advance the education of boys and girls by the provision of a boarding and/or day school in or near Uppingham and by the provision of ancillary or incidental educational activities or other associated activities for the benefit of the community”.

Uppingham School is required to process personal data and as such is a data controller for the purposes of data protection legislation including the General Data Protection Regulation (EU 2016/679) (“GDPR”) and the UK Data Protection Act 2018. The School is registered as a data controller (number Z7576950).

This Privacy Notice is intended to cover the data processing of Uppingham School, Uppingham Summer School and the OU Association, collectively referred to as “Uppingham School” or the “School”.

### What This Privacy Notice 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 current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents").

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 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 Schools 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 retention of records 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 and eSafety policy.

Anyone who works for, or acts on behalf of, the School (including staff, volunteers, trustees and service providers) should also be aware of and comply with this Privacy Notice and 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 has appointed a Privacy and Compliance Officer who will deal with all your 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. He can be contacted at [data@uppingham.co.uk](mailto:data@uppingham.co.uk) or c/o Uppingham School, Uppingham, Rutland, LE15 9QD.

### Why The School Needs To Process Personal Data

In order to carry out its ordinary duties to staff, pupils and parents, the School 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.

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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.

## **Legitimate Interests**

Legitimate interests, and not consent, will be the primary legal condition the School relies on for processing most pupil and alumni data. Where the School has a direct contract with an individual (e.g. an employee, client, contractor or parent) then there may also be a contractual basis to process that individual's data.

However, neither contractual grounds nor legitimate interests will be sufficient to process sensitive or "special category" personal data. This will usually require explicit consent to process, except where the School is acting under a statutory right or obligation (e.g. concerning employment or safeguarding) or if particular rare and urgent grounds exist (e.g. preventing or detecting a crime, working with social services, or acting to protect someone's vital interests such as imminent harm). The School expects that the following uses will 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;
- To assess means-tested scholarship and bursary applications, in order to make fee remission awards;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests;
- For the purpose of determining the suitability of an award of a bursary;
- 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 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;
- To carry out or cooperate with any School or external complaints, disciplinary or investigation process;
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School;
- For the purposes of keeping in touch with parents, alumni and other members of the School community to keep them updated about the activities of the OU Association and Foundation, including by sending updates and newsletters, by email and by post;

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- To maintain relationships with alumni and the School and wider foundation community, including direct marketing or fundraising activity;
- To enable pupils to take part in national or other assessments, including cognitive ability testing, and to publish the results of public examinations or other achievements of pupils of the School; • To ascertain whether any person is a 'Blocked Person' under UK Economic Sanctions laws, UK anti-money laundering law, or UK Anti-Corruption laws.
- In addition, the School 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:
- 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 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, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs;
- 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 DBS checks, welfare, union membership or pension plans;
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- 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.

## **When The School Will Seek To Obtain Consent**

- Direct Marketing: this includes communications promoting the "aims and ideals" of the School as well as communications about fundraising, with strict consent rules where it is sent by electronic means (e.g. email or SMS) or if the OU wants to make marketing calls to parents or alumni.
- Examination Results: The School will separately inform pupils and parents (and provide an opportunity to raise any objections) where it intends to publish exam results other than on an anonymous basis (e.g. if released to the media or on a publicly accessible notice board).
- Monitoring emails, internet and telephone usage: Strict rules apply to monitoring of pupil internet use, emails and calls (except where this is done on an anonymous basis, e.g. to monitor email or internet traffic within the School as a whole). Although KCSIE prescribes that schools have in place appropriate filtering and monitoring for the purpose of safeguarding, this will not be used as a basis to allow casual or routine interception of communications, notably calls and messaging. However, monitoring may become justifiable in certain circumstances in compliance with KCSIE.
- Using certain types of Special Category Personal Data: the School will seek explicit consent to hold and use Special Category Personal Data when there is a need to obtain this data.
- Unexpected or intrusive uses of images of pupils: certain uses, such as CCTV or school photography for use in the School's own "community" media (e.g. its publications, including emailed newsletters and the intranet), including where individuals are clearly identifiable from the photograph, and sometimes named, are considered to be part of the contractual and legitimate interest of the School. However, should an individual not wish to be included in such usage, they should make this known to the School and those wishes will be respected.

Sometimes, external media usage may be better dealt with by consent: especially where a child is identified by name or especially prominently featured, or in swimming or games clothes. Please remember that, once given, consent may be withdrawn at any time.

If you wish to make any representation to the School about how your data, including images, are used, please contact the Privacy & Compliance Officer at [data@uppingham.co.uk](mailto:data@uppingham.co.uk) c/o Uppingham School, Uppingham, Rutland, LE15 9QD.

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## 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. for staff, direct debit fee payments by parents and means-tested bursary applications;
- past, present and prospective pupils' academic, disciplinary, pastoral and safeguarding data, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academics, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the School 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; 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 policy on taking, storing and using images of children);
- Alumni data as detailed in the OU Privacy and Data Protection Values Statement.

## 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, whether online or on paper 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, other parents, friends and relations.

## 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:

- The School Doctor (Uppingham Surgery);
- professional advisers (e.g. lawyers, insurers, PR advisers, pensions advisers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority); and
- appropriate regulatory bodies, eg the Independent Schools Inspectorate, the Charity Commission, Boarding School Association, Medical Officer of Schools Association, or the Information Commissioner or relevant agencies (such as external data analysis organisations for the purposes of analysing examination results or cognitive ability testing).

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 (including food allergies and dietary needs) and
- pastoral or safeguarding files.

However, a certain amount of any 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 the School is under duties imposed by law and statutory guidance (including KCSIE) 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 staff or pupils, including the express wishes of the child and any court orders which may be in place and in some cases referrals to relevant authorities such as the Local Authority Designated Officer ("LADO") or police. For further

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information about this, please view the School's Safeguarding Policy. Software systems that are used to process this data securely are MyConcern and PIMS.

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 mailing houses, 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 School's specific directions.

## How Long We Keep Personal Data

The School will retain personal data securely and only as long as it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and pupil personnel files is up to 7 years following departure from the school. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements.

If you have any specific queries about how our 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 the Privacy & Compliance Officer at [data@uppingham.co.uk](mailto:data@uppingham.co.uk) c/o Uppingham School, Uppingham, Rutland, LE15 9QD. However, please bear in mind that the School will often have lawful and necessary reasons to hold on to some personal data even following such request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

## Summary Of Principles Under Gdpr

The following are the main principles that underpin the processing of data that the School undertakes:

1. processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');
2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
3. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
4. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
5. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');
6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

## Key Terms

"Data controllers" means organisations, including independent schools, which determine how people's personal data is processed and for what purpose.

"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.

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“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. Some categories of Personal Data are “special category data”. 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 biometric data. Extra safeguards are provided by law for processing of such data.

## **Keeping In Touch And Supporting The School**

The School will use the contact details of parents, alumni 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 a relevant individual objects, the school will 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 Friends of Uppingham, OU Association, The OU Charity Fund, the Mango Tree;
- Contact parents and/or alumni (including via the organisations above) by post and email in order to promote and raise funds for the School 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 the Privacy & Compliance Officer at [data@uppingham.co.uk](mailto:data@uppingham.co.uk) c/o Uppingham School, Uppingham, Rutland, LE15 9QD in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the school is nonetheless likely 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**

### Rights of access, etc

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 have it transferred to others, or for the school 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 the Privacy & Compliance Officer.

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 for information is manifestly excessive or similar to previous requests, the School 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 – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the School, or documents prepared in connection with a legal action).

The School 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 School itself for the purposes of the education, training or employment of any individual.

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You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse 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. All such requests will be considered on their own merits.

## Pupil requests

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).

Pupils aged 13 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. A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf. The law still considers the information in question to be the child's: and the parent making the request may need to provide evidence of the 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 School 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, in accordance with the Parent Contract. Where parents are separated, the school 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 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). Examples where we do rely on consent are: e.g. certain types of uses of images, certain types of fundraising activity. Please be aware however that the School may not be relying on consent but 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 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 School 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 School 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.

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. That is unless, in the School's opinion, there is a good reason to do otherwise.

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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 and the school rules. Staff are under professional duties to do the same covered under the relevant staff policy.

## **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 Privacy & Compliance Officer at [data@uppingham.co.uk](mailto:data@uppingham.co.uk) c/o Uppingham School, Uppingham, Rutland, LE15 9QD 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 School may need to process your data, of who you may contact if you disagree.

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 Trustees will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

## **This Policy**

The School 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 policy should be directed to the Privacy & Compliance Officer at [data@uppingham.co.uk](mailto:data@uppingham.co.uk) c/o Uppingham School, Uppingham, Rutland, LE15 9QD.

If you believe that the School has not complied with this policy or acted otherwise than in accordance with Data Protection Law, you should use the School complaints procedure and should also notify the Privacy & Compliance Officer. 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.