



# EASTBOURNE COLLEGE AND ST ANDREW'S PREP PRIVACY NOTICE

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## **Introduction**

Eastbourne College (Incorporated) is strongly committed to protecting personal data. This privacy statement describes why and how we collect and use personal data and provides information about individuals' rights. It applies to personal data provided to us, both by individuals themselves or by others. We may use personal data provided to us for any of the purposes described in this privacy notice or as otherwise stated at the point of collection.

Personal data is any information relating to an identified or identifiable living person. ECi processes personal data for numerous purposes, and the means of collection, lawful basis of processing, use, disclosure, and retention periods for each purpose may differ.

When collecting and using personal data, our policy is to be transparent about why and how we process personal data. To find out more about our specific processing activities, please go to the relevant sections of this statement.

## Definitions

**“Data Protection Law”** means the Data Protection Act 2008, the Privacy and Electronic communications Regulations 2003, and all other applicable laws, enactments, regulations, orders, standards and other similar instruments, each as may be amended or superseded from time to time (including the General Data Protection Regulation and any legislation which amends, enacts, re-enacts or replaces it in England and Wales);

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

**“Data Subjects”** means any living individuals whose data the Data Controller processes.  
**“Processing”** means any action in relation to that personal data, including filing and communication.

**“Data Processor”** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

**“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”** under the GDPR (broadly equivalent to "sensitive" personal data under the old law, but with criminal data treated separately). These comprise data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; data concerning health or data concerning a natural person's sex life or sexual orientation; and (new to GDPR) biometric data. Extra safeguards are provided by law for processing of such data.

## **Who We Are**

Eastbourne College (Incorporated) ("ECi"), a limited company registered in England No. 115408, registered charity No. 307071 trading as Eastbourne College and St Andrew's Prep under Data Protection Law is Data Controller.

Throughout this document "The School" does refer to both Eastbourne College and St Andrew's Prep.

## 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 school's other relevant terms and conditions and policies, including:

- any contract between the school and its staff or the parents of pupils;
- the school's policy on taking, storing and using images of children;
- the school's CCTV policy;
- the school's 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, eSafety policy, iPad policy, WiFi policy, Remote Working policy and Bring Your Own Device policy.

Anyone who works for, or acts on behalf of, the school (including staff, volunteers, governors and service providers) should also be aware of and comply with 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 Schools have appointed Joseph Burge as Privacy 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. Joseph may be contacted by post, telephone or email using the details below.

Eastbourne College, Old Wish Road, Eastbourne, East Sussex, BN21 4JY  
+44 (0) 1323 452300  
jcburge@eastbourne-college.co.uk

## Why the School Needs to Process Personal Data

In order to carry out its ordinary duties to staff, pupils and parents, the school 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 the school will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its pupils.

Other uses of personal data will be made in accordance with the school's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals and provided it does not involve special or sensitive types of data.

The school expects that the following uses 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;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests;
- 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;
- To assess means tested awards and secondly to assist in the collection of outstanding fees or other debt;
- 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; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

In addition, the school will on occasion need to process **special category personal data** (concerning health, ethnicity, religion, 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;
- To run any of its systems that operate on biometric data, such as for security and other forms of pupil identification (lockers, lunch etc.);
- 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.

## Types of Personal Data Processed by the School

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about parents who pay fees to the school;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- 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);

## **How the School Collects Data**

Generally, the school receives personal data from the individual directly (including, in the case of pupils, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments).

However, in some cases personal data 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.

## Who Has Access to Personal Data and Who the School Shares It With

Occasionally, the school will need to share personal information relating to its community with third parties, such as:

- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority); and
- appropriate regulatory bodies e.g. The Independent Schools Inspectorate, Exam boards, the Charity Commission or the Information Commissioner.
- With consent, the Androvian and Eastbournian alumni organisations.

For the most part, personal data collected by the school will remain within the school and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records held and accessed only by the appropriate medical staff, or otherwise in accordance with express consent; 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 [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 school's Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of the school's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always 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 in line with how long 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 Joseph Burge. 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"). The Data Retention Policy specifies the period of time records are kept.

## Keep 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 the 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;
- 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;
- Collect information from publicly available sources about parents' and former pupils' occupation and activities, in order to request their time for careers days at the school.
- Should you wish to limit or object to any such use, or would like further information about them, please contact Joseph Burge 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 Joseph Burge.

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.

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). A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.

Indeed, while 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 aged 13 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. Pupils younger than 13 may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

### **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: Images for marketing purposes and alumni membership. 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.

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 ICT 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 Joseph Burge 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 governors 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 Joseph Burge using the contact details provided above.

If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the school complaints procedure and should also notify Joseph Burge. 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.

### Legal and regulatory framework

Various laws underpin this Privacy Notice and are relevant to independent schools:

- [The General Data Protection Regulation \(from 25 May 2018\)](#)
- [The Data Protection Act 2018 and related legislation \(from 25 May 2018\)](#)
- [The Privacy and Electronic Communications Regulations 2011 \(PECR\) \(to continue after 25 May 2018 until replaced by the ePrivacy Regulation – form and date TBC\)](#)
- [The Protection of Freedoms Act 2012 \(biometrics and CCTV\)](#)

Please note that independent schools are not subject to the specific information provisions (including the parental right to see the pupil record, and Freedom of Information) that will be applicable to maintained schools under separate legislation. In addition, while maintained schools are public authorities and hence strictly required to appoint a Data Protection Officer (DPO) under GDPR, your independent school may not be. See the ISBA note (available here: <https://members.theisba.org.uk/53359>) for further guidance.

Relevant guidance and practice notes provided by the Information Commissioner's Office ("ICO") (*final guidance on legitimate interests still outstanding*):

- [Privacy Notices, Transparency and Control](#) (ICO Guidance, drafted in anticipation of GDPR but not a full GDPR Privacy Notices Code of Practice)
- [Privacy Notices under the GDPR](#) (short-form guidance with checklist)
- [The ICO sector-specific guidance for schools, universities and colleges](#)
- [The ICO's GDPR Frequently Asked Questions on Education](#)
- [Direct Marketing Guidance \(PECR\)](#) (last updated April 2016 but still applicable after GDPR)
- [The Subject Access Code of Practice](#) (last updated June 2017)
- [The ICO Code of Practice on CCTV \(last updated June 2017\)](#)
- [The ICO's Guide to Data Protection](#)
- [Overview of the General Data Protection Regulation](#) (short-form overview)
- [DRAFT Guidance: the GDPR and Children](#) (no final date known)

- [DRAFT Consent Guidance for GDPR](#) (final text expected first half of 2018)