



# Ackworth School

## Privacy Notice

**Applicable to all parties (past and present) with some connection to Ackworth School and its associated trusts and companies**

### Purpose

*“Do you maintain strict integrity in your business transactions and in your relations with individuals and organisations?” Religious Society of Friends (Quakers) Advices and Queries 36.*

As a Quaker School, we seek to be clear and transparent and maintain strict integrity in the work that we do, including our recording and use of personal data. Moreover, the 2018 Data Protection Act gives individuals the right to understand how their data is used. All who share their data with us should be reassured that we will treat it with respect, ensuring its accuracy, security and use only for the (legitimate and clearly specified) purposes for which it is needed or provided.

The purpose of this Privacy Notice is ensure that all parties who have any connection with Ackworth School (the School) and others whose data we process understand what this means in practice.

Anyone who works for, or acts on behalf of, the School (including staff, volunteers, Members of School Committee and service providers) is required to comply with this Privacy Notice and will be subject to suitable training and/or policies commensurate with their role.

### Scope

In this Privacy Notice, whenever you see the words ‘we’, ‘us’, ‘our’, ‘the School’, they apply to everyone collecting, using or processing data on the school’s behalf. This includes all members of the school staff, the School Committee, volunteers, service providers, Ackworth School Estates Limited, The Wennington Bursary Trust, The Ackworth and Freshfields Trust, The Ackworth 1950 Trust, the Ackworth Old Scholars Association (now part of Ackworth School but still referred to as AOSA) and the Parent Staff Association (referred to as the PSA).

The Privacy Notice covers **all personal data** used or processed by the School, notably that of its suppliers, current and prospective staff; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents"), volunteers working on the School’s behalf, and any third parties processing data on the School’s behalf. Collectively, we refer to these individuals in the Privacy Notice as the School’s community. ‘Personal data’ means any information relating to an identifiable person who can be directly or indirectly identified through the data.

This Privacy Notice applies alongside any other information the School may provide about a particular use of personal data, including for example, the data protection



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impact assessment in respect of remote learning attached as an addendum to this Privacy Notice.

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 retention of records policy;
- the School's safeguarding, pastoral, bullying and health and safety policies, including how concerns or incidents are recorded; and
- the School's IT policies, including its Computer Acceptable Use Policy, iPad user policy and Home and Remote Working Policy.

## **Responsibility for Data Protection**

The School has appointed the Bursar as the Privacy and Compliance Officer who will deal with all requests and enquiries concerning the School's uses of personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and thus with Data Protection Law.

## **Why the School Needs to Process Personal Data**

In order to carry out its ordinary duties, 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.

## **Contractual obligations**

The school needs to process personal data in order to fulfil its contractual obligations to its service providers, staff, and parents of its pupils, for example for making and receiving contractual payments and providing necessary data to pension providers.

## **Legitimate Interests**

Other uses of personal data will be made in accordance with the School's legitimate interests or the legitimate interests of third parties that are key to the effective functioning of the school (e.g. examination boards). This covers the processing of personal data that is necessary for the school to function whilst not outweighing any objection or risks to a data subject's rights and freedoms

The School expects that the following uses will fall within that category of its legitimate interests:

1. For the purposes of pupil selection, confirming the identity of prospective pupils and their parents and retaining a record if appropriate for the purposes of future applications or openings;
2. Providing 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, including



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- where such activities are provided remotely (either temporarily or permanently);
3. Using remote learning platforms as part of this provision of education services;
  4. 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
  5. Giving and receive information and references about past, current and prospective pupils, including those relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or which they wish to attend; and provide references to potential employers of past pupils;
  6. Safeguarding pupils' welfare and providing appropriate pastoral care;
  7. Monitoring the use of the School's IT and communications systems in accordance with the School's IT Computer Acceptable Use Policy and i-Pad User Policy;
  8. Enabling relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate;
  9. Maintaining relationships with alumni and the School community, including direct marketing or fundraising activity (see the section below on Keeping in Touch and Supporting the School);
  10. Confirming the identity and background of anyone wishing to make a donation;
  11. For the purposes of school management planning and forecasting, research and statistical analysis;
  12. To carry out or cooperate with any School or external complaints, disciplinary or investigation process; and
  13. Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School.

## Legal Requirement

The following uses of personal data by the School are required to meet the School's legal obligations:

- Data processing required for tax, diversity and gender pay gap analysis;
- For regulatory record keeping / compliance purposes in respect of immigration requirements, as an employer and/or visa sponsor;
- To take up references prior to engagement of volunteers and staff including but not limited to Disclosure and Barring Service (DBS) applications, "List 99" checks on previous employment references and if applicable overseas police checks;
- To comply with Her Majesty's Revenue and Customs' regulations and those of pension providers;
- To comply with Health and Safety law;
- To comply with local authority instructions.



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## Consent

Examples of where we do rely on consent are:

- 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;
- Collecting and using data for certain types of fundraising activity (notably for the use of electronic fundraising in accordance with the Privacy Electronic Communications Regulations).

Where the School is relying on **consent** as a means to process personal data, any person may withdraw this consent at any time.

## Types of Personal Data Processed by the School

This will normally 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 (or others) who pay fees to the school, contractors and staff who need paying etc; In addition the school may collect any anti-money-laundering information we are required to collect by law;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- data in personnel files, including qualifications, employment history, performance appraisal and safeguarding;
- nationality and other immigration status information (e.g. right to work / study), including copies of passport information (retained for booking and during school trips and to comply with immigration sponsor requirements)
- where appropriate, information about individuals' health and welfare;
- 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.

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



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duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons could 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 Special Educational Needs and Disability (SEND), 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.

## **How the School Collects Data**

Most information is collected from the individual directly (and 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).

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.

## **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 should notify the School of any significant changes to important information, such as contact details, held about them.

The School constantly monitors what appropriate technical and organisational steps it must take 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 are made aware of this policy and their duties under Data Protection Law and receive relevant training.



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## Who has Access to Personal Data and With Whom the School Shares it

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);
- appropriate regulatory bodies e.g. [Teachers Regulation Agency \(TRA\)](#), the [Independent Schools Inspectorate](#), the Charity Commission or the Information Commissioner and;
- Academic authorities e.g. Awarding Bodies (Examination Boards), those who provide education services (e.g. CEM Centre);
- Trustees of bursary trust funds.
- appropriate contractors, such as visiting music teachers;
- organisations set up to help establish and maintain relationships between the School and its community, such as the Ackworth School Parent Staff Association (PSA), Ackworth Old Scholars Association (AOSA) and Gradway;
- Web developers: the school uses web based accounting software (Accounts IQ), the school database (iSAMS) is stored in the cloud, and the school uses a third party IT service provider (North Yorkshire Traded Services);
- a third party caterer with whom personal data may sometimes be shared (Thomas Franks);
- School photographers or old scholar groups.
- Stage 3 complaints panels, which will include independent panel members;
- third parties and their advisers in the event of a possible or actual sale, merger or other restructuring of the school; and
- government authorities (e.g. HMRC, DfE, CAF/CASS, police, Home Office, a relevant public health / NHS body and / or local authority) and/or appropriate regulatory bodies (e.g. the [Teaching Regulation Agency](#), the [Independent Schools Inspectorate](#), the [Charity Commission](#));

In accordance with Data Protection Law, this type of external data processing is always subject to contractual assurances that personal data will be kept securely and used only in accordance with the school's specific directions.

We will not however share personal information about our workforce with anyone without receiving the explicit consent to do so unless the law and /or our policies require us to do so.

For the most part, personal data collected by the School will remain within the School, and will be accessed and processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis).

## Sensitive Medical and Safeguarding Data

Particularly strict rules of access apply in the context of:



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- Medical data. The school needs to process such information to comply with statutory duties and to keep pupils and others safe, but the school will ensure only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for school trips or for catering purposes. Express consent will be sought where appropriate. However, a certain amount of any SEND pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.
- Safeguarding data. Under duties imposed by law and statutory guidance (including 'Keeping Children Safe in Education or KCSIE) the School is required 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 Local Authority Designated Officer (LADO) or police. KCSIE also requires that, whenever a child leaves the school to join another school or college, his or her child protection file is promptly provided to the new organisation. The school will retain a copy in accordance with its retention policy for material related to safeguarding matters.

For further information about this, please view the School's Safeguarding Policy.

## How Long we Keep Personal Data

There is a separate data protection and retention policy that sets out the duration and rationale for data retention. The principles of data retention underlying this policy are that:

- 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, including contractual obligations;
- data is retained in line with statutory duties and government guidance relating to Schools, including for safeguarding;
- the retention of data will take on board the disclosure requirements for potential future litigation;
- data retention, confidentiality and privacy will be fully in line with the GDPR.

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 need to be kept much longer, in accordance with specific legal requirements. In particular, the Independent Inquiry into Child Sexual Abuse (IICSA) stipulates that, until further notice, all staff files should be retained for 50 years after leaving.

A limited and reasonable amount of information will be retained for archiving purposes, 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").



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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 Bursar on [Bursar@Ackworthschool.com](mailto:Bursar@Ackworthschool.com). However, please bear in mind that the School will often have lawful and necessary reasons to retain personal data even following such a request.

## Keeping in Touch and Supporting the School

The School and/or any relevant other organisation 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. Given that this is covered by the School's Legitimate Interests, the School will, unless the relevant individual objects:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships between the School and its community, such as the Ackworth School Parent Staff Association (PSA) Ackworth Old Scholars Association (AOSA) and Gradway,
- Contact parents and/or alumni (including via the organisations above) by post, telephone 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 Bursar 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

Individuals (both pupils and parents) have various rights under Data Protection Law to access and understand their own personal data held and processed by the school, and in some cases ask for it to be erased or amended, or to have it transferred elsewhere, or for the school to stop processing it – but subject to certain exemptions and limitations.

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 generally one month, but actually fulfilling more complex or multiple requests, e.g. those involving third party information, may take 1-2 months longer). Individuals (both pupils and parents) have various rights under Data Protection Law to access and understand their own personal data held and processed by the school, and in some cases ask for it to be erased or amended, or to have it transferred elsewhere, or for the school to stop processing it – but subject to certain exemptions and limitations.



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You have the following rights:

- to obtain access to, and copies of, the personal data that we hold about you;
- to be informed about how your personal information is collected, used, shared and retained;
- to receive from us the personal data we hold about you which you have provided to us, in a reasonable format specified by you, including for the purpose of you transmitting that personal data to another data controller;
- to object, on grounds relating to your particular situation, to any of our particular processing activities where you feel this has a disproportionate impact on your rights.
- to require us correct any inaccuracies in your personal data;
- In some cases to 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.
- Where the information is held on the basis of consent to request that we restrict our data processing activities (and, where our processing is based on your consent, you may withdraw that consent, without affecting the lawfulness of our processing based on consent before its withdrawal);

Please note that the above rights are not absolute, and we may be entitled to refuse requests where exceptions apply.

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 Bursar.

Note that the right of data access applies only to your own personal data, and does **not** include:

- Information which identifies other individuals. (Parents need to be aware this may include their own children, in certain limited situations – please see further below.)

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 or where a duty of confidence is owed by a legal adviser).

- Pupil examination scripts (or other information consisting solely of pupil test answers), or examination or other test marks ahead of any ordinary publication). These exemptions necessarily apply also in the context of teacher-assessed grades, where required in the absence of formal public examinations due to pandemic conditions
- Confidential references given by the School itself for the purposes of the education, training or employment of any individual.

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



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the request they are making. Pupils in the Senior School 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. Slightly younger children e.g. those in first and second forms of senior School may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

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

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. 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. 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 IT Computer Acceptable Use Policy, the iPad user policy and the School rules. Staff are under professional duties to do the same covered under the relevant staff policies.

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 that 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.



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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.

## Summary of 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 in “Why the School Needs to Process Personal Data”).

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.

## Amendments to 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, Concerns and Complaints

Any comments or queries on this policy should be directed to the Bursar by emailing [Bursar@AckworthSchool.com](mailto:Bursar@AckworthSchool.com)

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 the Head. You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the



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ICO recommends that steps are taken to resolve the matter with the school before involving the regulator.

## Further Information

Any comments or queries on this policy should be directed to the Bursar using the following contact details [Bursar@AckworthSchool.com](mailto:Bursar@AckworthSchool.com). The School Bursar acts as Privacy and Compliance Officer responsible for:

- following up requests, including on rights of access and amendment;
- responding to enquiries concerning the School's uses of personal data; and
- taking the lead on ensuring that all personal data is processed in compliance with this policy and the GDPR.

Further information on the GDPR is also available on the website of the Information Commissioners' Office (ICO): <https://ico.org.uk>.

## Concerns or Complaints

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

13 is the age at which children in the UK are able to provide their own consent to processing, if you relying on consent as your lawful basis for processing in the context of offering an online service directly to a child (by virtue of Article 8(1) of the GDPR and s9 of the DPA 2018).