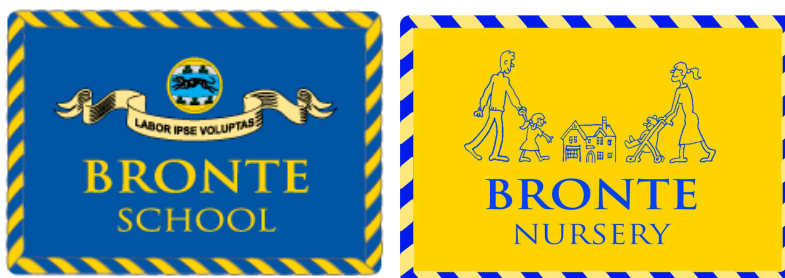


BRONTE SCHOOL & NURSERY



Privacy Notice (GDPR) - Parents

This policy relates to Bronte School and Nursery.

WHAT THIS PRIVACY NOTICE IS FOR

This Privacy Notice is intended to provide information about how the School or Nursery will use (or "process") personal data about individuals including: its current, past and prospective pupils; and their parents, carers or guardians (referred to in this notice as "parents"). Collectively, we refer to these individuals in the Privacy Notice, as the School and Nursery community.

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 and Nursery's obligations to its entire community. The School and Nursery have a separate Data Protection Policy and Privacy Notice applicable to employees and other staff.

This Privacy Notice applies alongside any other information the School or Nursery 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 all other relevant terms and conditions and policies, including (but not limited to):

- any contract between the School/Nursery and its staff, or the parents of pupils;
- any policies or notices applicable to staff concerning the handling of personal data;
- the School/Nursery's procedures for taking, storing and using images of children;
- the School/Nursery's retention of records procedures;
- all safeguarding, pastoral, and health and safety policies, including how concerns or incidents are recorded; and
- the School/Nursery's IT policies and procedures, including its Acceptable Use of Technology Guidelines, and Online Safety Guidelines.

Anyone who works for, or acts on behalf of, the School/Nursery (including staff, volunteers and service providers) will be subject to suitable training/induction commensurate with their role.

RESPONSIBILITY FOR DATA PROTECTION

The School has appointed the Bursar/Office Manager and the Nursery has appointed the Nursery Manager/Office Manager to deal with all requests and enquiries concerning the School or Nursery's uses of personal data (see section on Your Rights below). All involved endeavour to ensure that all personal data is processed in compliance with this Privacy Notice and Data Protection Law (contact enquiry@bronteschool.co.uk or enquiry@brontenursery.co.uk).

WHY THE SCHOOL and NURSERY NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, pupils and parents, the School and Nursery need 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/Nursery 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 or Nursery'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 and Nursery expects that the following uses will fall within that category of its "legitimate interests":

- For the purposes of pupil selection, to confirm the identity of prospective pupils and their parents, and retain a record if appropriate for the purposes of future applications or openings;
- To provide education services, including musical education, physical training or spiritual development, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs, including where such services are provided remotely (either temporarily or permanently);
- Maintaining relationships with alumni and the School or Nursery community, including direct marketing or 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 the School and Nursery's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past and current 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;
- 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 or Nursery;
- To safeguard pupils' health and welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the School/Nursery's IT and communications systems in accordance with the relevant policies and procedures;
- To make use of photographic images of pupils in School or Nursery publications, on the School/Nursery websites and (where appropriate) on the School/Nursery's social media channels in accordance with the School/Nursery's procedures for taking, storing and using images of children;
- For security purposes, including CCTV and iWatch, in accordance with the School and Nursery's policies and procedures;
- To carry out or cooperate with any School, Nursery or external complaints, disciplinary or investigation process; and

- Where otherwise reasonably necessary for the School or Nursery's purposes, including to obtain appropriate professional advice or insurance.

In addition, the School and Nursery 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 all children's 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 external trips who need to be made aware of dietary or medical needs;
- To comply with public health requirements in respect of Covid-19 (or similar) testing: including managing on-site testing and/or processing the results of tests taken by pupils or other members of the School or Nursery community, and sharing this information with relevant health authorities;
- 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, Nursery or external complaints, disciplinary or investigation process that involves such data, for example if there are SEND, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring, health and safety and immigration / visa sponsorship compliance) and to comply with its legal obligations and duties of care.

TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL and NURSERY

This may 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, and 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;
- Personnel files, including employment or safeguarding information;
- Where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- References given or received by the School/Nursery about pupils, and relevant information provided by previous educational or childcare 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 or Nursery activities, and images captured by the School/Nursery's CCTV and/or iWatch systems (in accordance with procedures for taking, storing and using images of children);

HOW THE SCHOOL and NURSERY COLLECTS DATA

Generally, the School/Nursery 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 care plans, email or written assessments).

However in some cases personal data will be supplied by third parties (for example another school or nursery, or other professionals/ authorities working with that individual); or collected from publicly available resources.

WHO HAS ACCESS TO PERSONAL DATA AND WHO THE SCHOOL or NURSERY SHARES IT WITH

Processing by third parties. For the most part, personal data collected by the School or Nursery will remain within the organisation, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). However, some functions are outsourced (e.g. IT, cloud storage and cleaning). In accordance with Data Protection Law, this type of external data processing is always subject to contractual assurances that any personal data will be kept securely and used only in accordance with the School or Nursery's specific directions.

Data sharing. Occasionally, the School or Nursery – including its Advisory Board – will need to share personal information relating to its community of staff, pupils and parents with third parties, such as:

- Bronte Friends
- Parent Council
- Appropriate contractors, such as visiting music teachers;
- Professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- Examination boards;
- 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 or Nursery; and
- Government authorities (e.g. HMRC, DfE, OFSTED, CAFCASS, 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 Independent Schools Association.

If you are a Bronte School parent and a member of Bronte Friends or Parent Council the School may share through ParentMail or paper copy your email contact details with the School community. Bronte Friends will be a separate data controller and the School is not responsible for Bronte Friends processing of personal data.

Occasionally the Proprietor or Advisory Board will need to process parent or pupil information, such as when a complaint is raised (and in accordance with the Complaints Procedure, this may also require the involvement of independent panel members).

ACCESS TO SENSITIVE DATA

Particularly strict rules of access apply in the context of "special category" data, most notably:

- Medical records; and
- Pastoral or safeguarding files.

Medical data. The School and Nursery needs to process such information to comply with statutory duties and to keep pupils and others safe, but the School and Nursery will ensure only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for 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.

Pastoral or Safeguarding data. Staff, pupils and parents are reminded that the School and Nursery is under duties imposed by law and statutory guidance including the most recent Keeping Children Safe in Education (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 personnel or safeguarding files, low-level concerns records kept about adults, and in some cases referrals to relevant authorities such as the LADO or police.

KCSIE also requires that, whenever a child leaves the School or Nursery to join another school or nursery setting, his or her child protection file is provided to the new organisation within defined timescales. For further information about this, please view the Safeguarding and Child Protection Policy.

HOW LONG WE KEEP PERSONAL DATA

The School and Nursery will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. When a child leaves the School or Nursery all educational or safeguarding information will be passed to the new school/setting within the required timeframe.

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 School or Nursery. However, please bear in mind that the School and Nursery will often have lawful and necessary reasons to hold on to some personal data even following such a 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").

KEEPING IN TOUCH AND SUPPORTING THE SCHOOL and NURSERY

The School and Nursery may use the contact details of parents, alumni and other members of the community to keep them updated about the activities of the School or Nursery, 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 or Nursery may also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the School and Nursery community, such as the Parent Council.
- Contact parents and/or alumni by post and email in order to promote and raise funds for the School or Nursery 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 School or Nursery in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the School and Nursery 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 or Nursery, and in some cases ask for it to be erased

or amended, or to have it transferred elsewhere, or for the School or Nursery to stop processing it – but subject to certain exemptions and limitations.

The School and Nursery 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 or longer).

Rights of access, etc.

The School and Nursery will be better able to respond quickly to smaller, targeted requests for information made during term time. If the request for information is manifestly excessive or similar to previous requests, the School/Nursery may ask you to reconsider, or require a reasonable fee for the administrative costs of complying with the request, or in certain cases refuse the request (but only where Data Protection Law allows it, and in accordance with relevant regulatory guidance).

If you consider that the personal data we hold on you is inaccurate, please let us know. However, the School or Nursery will not necessarily delete or amend views, opinions, notes or records purely on the request of an individual who disputes the account, although we may keep a record of all parties' viewpoints.

Requests that cannot be fulfilled

You should be aware that GDPR rights (including the right of access) are limited to your own personal data, and certain data is exempt. 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 Nursery, or documents prepared in connection with a legal action, or where a duty of confidence is owed by a legal adviser).

The School and Nursery are also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers, potentially including in mock exam scripts or other types of exams / tests used to assess performance – although markers' comments may still be disclosable if they constitute pupil personal data). The School and Nursery are also not required to provide examination or other test marks ahead of their ordinary publication date, nor share any confidential reference held by them that was (or will be) given for the purposes of the education, training, appointment 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 proportionate legitimate interest identified in this Privacy Notice. Generally, if the School or Nursery still considers the processing of the personal data to be reasonably necessary, it is entitled to continue. All such requests will be considered on their own merits.

Requests by or on behalf of pupils

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the School or Nursery, they have sufficient maturity to understand the request they are making. 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. Requests not considered in the child's best interests may sometimes be refused.

(For information - pupils aged e.g. 12/13 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 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 or Nursery 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 and Nursery 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, court orders, or pastoral issues.

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 or Nursery 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). Please be aware however that the School or Nursery 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).

The rights under Data Protection Law belong to the individual to whom the data relates. However, the School and Nursery 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 or Nursery 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, either alongside or in place of parental 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 and Nursery 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 or Nursery'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 or Nursery may be under an obligation to maintain confidentiality unless, in the School or Nursery's opinion, there is a good reason to do otherwise; for example where it 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 Acceptable Use Guidelines and any School rules or Nursery procedures. Staff are under professional duties to do the same covered under the relevant staff policy.

DATA ACCURACY AND SECURITY

The School and Nursery 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 inform the Office Manager (at the School or Nursery) 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 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 or Nursery may need to process your data, or whom you may contact if you disagree.

The School and Nursery 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/Nursery electronic systems. All staff will be made aware of this notice, and their duties under Data Protection Law and receive relevant training.

THIS NOTICE

The School and Nursery 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 the Bursar or School/Nursery Office Manager (email: enquiry@bronteschool.co.uk or enquiry@brontenursery.co.uk).

If an individual believes that the School or Nursery has not complied with this notice or acted otherwise than in accordance with Data Protection Law, they should utilise the complaints procedure and should also notify the Headmistress/Director. Any individual can also make a referral to, or lodge a complaint with, the Information Commissioner's Office (ICO), although the ICO will recommend that steps are taken to resolve the matter directly with the School or Nursery before involving the regulator.

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