

# How We Use Your Information Privacy Notice for Younger Students

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Independent School for Boys and Girls

Focus School – Cambridge Campus

April 2018



## Introduction

This notice is to help you understand **how** and **why** we collect your child's personal information and **what** we do with that information. It also explains the decisions that you can make about your child's information.

We are giving you this notice because you are able to exercise your child's data protection rights on their behalf. When your child is older (usually when they reach the age of 12) they will be considered mature enough to exercise their own data protection rights.

The School is affiliated to Focus Learning Trust (the Trust). The School is Focus School – Cambridge Campus of Shelford Bottom, Cambridge, CB22 3BF. The School and the Trust work closely together which means that the School and the Trust share a lot of personal information about staff, pupils and parents. References below to "we", "us" and "our" are references to both the School and the Trust. To use data protection terminology, both the School and the Trust are each a "controller" of the personal information held about your child. Further information on the Trust can be found on its website here: [www.focus-school.com](http://www.focus-school.com)

For more information on how personal information is shared between the School and the Trust, please see the section below "Sharing between the School and the Trust: Further information".

If you have any questions about this notice please talk to the Data Protection Lead.

## What is "personal information"?

Personal information is information that we hold about your child and which identifies your child.

This includes information such as their date of birth and address as well as things like exam results, medical details and behaviour records. We will also hold information such as your child's ethnic group for the purposes of the annual school census. CCTV, photos and video recordings of your child are also personal information.

## Our legal bases for using your child's information

This section contains information about the legal basis that we are relying on when handling your child's information as described above.

The two tables below contain a general description of the different legal bases but we have also used a colour code system so that you can see which bases we are relying on for each of the purposes described at paragraphs 1 to 31 below.

### Legitimate interests ("L")

This means that we use your child's information when this is necessary for our legitimate interests or someone else's legitimate interests. We won't rely on this basis when your child's interests and fundamental rights override our legitimate interests. Specifically, we have a legitimate interest in:

- Providing your child (and other children) with an education and making sure that your child is behaving properly.
- Complying with our agreement with you for your child to be at the School.
- Keeping the school buildings safe.

- Making sure that the School is well managed and that we protect our reputation.
- Safeguarding and promoting your child's welfare and the welfare of other children.
- Promoting our objects and interests. This includes fundraising e.g. if we want to raise money to build new buildings and using photographs of your child in promotional material such as on our website and in the prospectus.
- Ensuring that all of our relevant legal obligations are complied with (for example in relation to inspections).
- Using your child's information in connection with legal disputes.
- Facilitating the efficient operation of the School and the Trust.

In addition your child's personal information may be processed for the legitimate interests of others. For example, we may use information about your child when investigating a complaint made by another student.

#### Legal obligation ("LO")

Where we need to use your child's information in order to comply with a legal obligation, for example to report a concern about your child's wellbeing to Children's Services. We will also have to disclose your child's information to third parties such as the courts, the local authority or the police where legally obliged to do so.

#### Vital interests

In limited circumstances we may use your child's information to protect your child's vital interests or the vital interests of someone else (e.g. if your child or they are seriously hurt).

#### Performance of a task carried out in the public interest (or carrying out public tasks) ("PI")

This applies where what we are doing is for the benefit of people generally. The following are examples of where this applies:

- providing your child and others with an education;
- safeguarding and promoting your child's welfare and the welfare of other children;
- facilitating the efficient operation of the School and the Trust; and
- ensuring that we comply with all of our legal obligations.

We must also comply with an additional condition where it processes special categories of personal information. These special categories include: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic information, biometric information, health information, and information about sex life or orientation.

#### Substantial public interest ("SPI")

We are allowed to use special categories of personal information where doing so is necessary in the substantial public interest. This is similar to "public interest" in the table above. For example we will use information about your child's health to look after him / her. We may also use other types of special category personal data about your child to provide them with an education, to look after your child and their classmates or when the School is inspected.

#### Employment and social protection and social security law ("ESP")

There will be times when we need to use your child's information because we are an employer. Also the School will use your child's information to comply with social protection law (e.g. to look after your child) and social security laws.

#### Vital interests

In limited circumstances we may use your child's information to protect your child's vital interests or the vital interests of someone else (e.g. if your child or they are seriously hurt).

#### Legal claims: ("LC")

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers. This applies whenever sharing special category data is necessary in relation to legal claims.

#### Medical purposes ("MP")

This includes medical treatment and the management of healthcare services.

## **How and why do we collect and use your child's personal information?**

We set out below different ways in which we use personal information and where this personal information comes from. The letters highlighted in different colours refer to the legal bases we are relying on. Please see the section above for an explanation.

1. Our primary reason for using your child's information is to provide your child with an education - LI, PI, SPI.
2. We will also use your child's personal information to safeguard and promote your child's welfare and the welfare of others (for example, so that we can look after your child if they are hurt) - LI, PI, SPI, ESP, MP.

The Enrolment forms which you complete give us personal information about your child. We get information from your child, his / her teachers and other students. Your child's old school also gives us information about how well your child did and any difficulties they had if we need this information to teach and care for them.

Sometimes we get information from your child's doctor and other professionals where we need this to look after your child.

3. We will use information about your child during the enrolment process e.g. considering any information provided on the registration form. We may let your child's previous school know if they have been offered a place at the School - LI, PI, SPI.
4. We need to tell all appropriate members of staff if your child is allergic to something or has a health issue - LI, PI, SPI.
5. We will tell your child's teachers if he or she has special educational needs or requires extra help with some tasks - LI, PI, SPI.
6. We will need to share information about your child (e.g. about their health and wellbeing) with the Learning Support Coordinator - LI, PI, SPI, ESP, MP.
7. We use CCTV to make sure the School site is safe. CCTV is not used in private areas such as changing rooms - LI, PI, SPI.

8. We record your child's attendance and if he or she has time away from the School we record the reason(s) why - LI, PI, SPI.
9. We will need to report some of your child's information to the government (e.g. the Department for Education). We will need to tell the local authority that your child attends the School, if your child leaves the School or let them know if we have any concerns about your child's welfare - LI, LO, PI, SPI, ESP.
10. We may need to share information about your child with the Health and Safety Executive (a government organisation) if there is a health and safety issue - LI, LO, SPI.
11. The School owner and the Trust are charities which means that in exceptional circumstances we may need to share your child's information with the Charity Commission e.g. in the event of a serious incident - LI, LO, PI, SPI.
12. When we are inspected by School Inspection Service, we will have to make your child's information available to the inspectors to assist them with their inspection - LI, LO, PI, SPI.
13. If we receive a complaint or grievance which involves your child we will need to use their information to deal with this appropriately. For example, if you make a complaint or if another parent complains about an issue which involves your child - LI, PI, SPI.
14. We are legally required to provide the Department for Education with certain information about your child. Some of this information will be stored on the National Student Database. Organisations can request information from the National Student Database which includes information about your child. But they are only allowed to do this for limited purposes and they must be very careful about how they use your child's information. More information can be found here - <https://www.gov.uk/government/publications/national-student-database-user-guide-and-supporting-information> - LO, SPI.
15. We will need information about any court orders or criminal petitions which relate to your child. This is so that we can safeguard your child's welfare and wellbeing and the other students at the School - LI, PI, SPI, ESP.
16. If your child is from another country we have to make sure that they have the right to study in the UK. Sometimes the government will ask us to provide information as part of our reporting requirements. In addition to this we have a duty to provide information about your child to UK Visas and Immigration - LI, LO, PI, SPI.
17. Depending on where your child will go when they leave us we will provide their information to other schools and colleges. For example, we will share information about your child's exam results and provide references - LI, PI, SPI.
18. If your child has a safeguarding file, we are legally required to pass this file to their next school - LI, LO, PI, SPI, ESP.
19. If your child takes public examinations we will need to share information about them with examination boards. For example, if your child requires extra time in exams - LI, PI, SPI.
20. We may need to share information with the police or our legal advisers if something goes wrong or to help with an enquiry. For example, if one of your child's classmates is injured at School or if there is a burglary - LI, LO, PI, SPI, LC.

21. We use consultants, experts and other advisors to assist us in fulfilling our obligations and to help run the School and the Trust properly. We will share your child's information with them if this is relevant to their work - **LI, PI, SPI**.
22. If your child has misbehaved in a serious way, and the police have become involved, we will need to use information about the action taken by the police - **LI, LO, PI, SPI, ESP**.
23. We may share some information with our insurance company to make sure that we have the insurance cover that we need - **LI, PI, SPI, LC**.
24. We will share your child's academic and (where fair) their behaviour records with you or their education guardian so you can support their schooling - **LI, PI, SPI**.
25. We will monitor your child's use of email, the internet and mobile electronic devices e.g. laptops. This is to check that your child is not misbehaving when using this technology or putting themselves at risk of harm. If you would like more information about this you can read the acceptable use of IT policy or speak to your child's Head teacher - **LI, SPI**.
26. We may use photographs or videos of your child for our website and social media sites or prospectus to show prospective students what we do here and to advertise the School. We will continue to use these photographs and videos after your child has left the School - **LI, PI**.
27. Sometimes we use photographs and videos for teaching purposes, for example, to record a science lesson - **LI**.  
  
If you have any concerns about us using photographs or videos of your child please speak to your child's Head teacher.
28. We publish our public exam results and other news on the website and put articles and photographs in the local news to tell people about what we have been doing - **LI**.
29. We must make sure that our computer network is working well and is secure. This may involve information about your child, for example, our anti-virus software might scan files containing information about your child - **LI**.
30. We may share your child's information with the other schools in the group. For example, how well your child has behaved and their test results. - **LI, PI, SPI**
31. We can keep information about your child for a very long time or even indefinitely if we need this for historical, research or statistical purposes. For example, if we consider the information might be useful if someone wanted to write a book about the School - **LI**

We will only share your child's information with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.

We sometimes use contractors to handle personal information on our behalf. The following are examples:

- IT consultants who might access information about you when checking the security of our IT network;
- Training and course providers;

- Online applications which we use to assess pupil progress and to help make teaching better (for example which help us set homework and make it easier to provide learning resources to pupils);
- Services that help us with our administration;
- Online video platforms so that we can live stream lessons, and allow pupils at different Focus schools to communicate and interact; and
- We use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the School site.

If you have any questions about the above, please speak to your child's Headteacher.

### **Criminal offence information**

In exceptional circumstances, we may use information about criminal convictions or offences. We will only do this where the law allows us to. This will usually be where such processing is necessary to carry out our obligations, to exercise our rights or to look after our students.

### **More than one basis**

As you will see from the table above, in some cases we will rely on more than one basis for a particular use of your child's information. For example, we will rely on legitimate interests and public interest grounds when using your child's information to look after your child and his / her classmates and when providing your child with an education.

The basis that we will rely on for a particular purpose may vary depending on the circumstances. For example, if we decide to tell the local authority something about a student because we are worried about their welfare, sometimes this will be because we have a legal obligation to do so but on other occasions we may tell the local authority because we are worried about the student even if we don't have a legal obligation to report something (in which case we would be relying on legitimate interests and public interests).

### **Consent**

We may ask for your consent to use your child's information in certain ways as an alternative to relying on any of the grounds in the table above. For example, we may ask for your consent before taking or using some photographs and videos if the photograph or video is more intrusive and we cannot rely on legitimate interests. If we ask for your consent to use your child's personal information you can take back this consent at any time.

Any use of your child's information before you withdraw your consent remains valid. Please speak to the school's Data Protection Lead if you would like to withdraw any consent given.

### **Sending information to other countries**

We may send your child's information to countries which do not have the same level of protection for personal information as there is in the UK. For example, we may

- store your child's information on cloud computer storage based overseas;
- share your child's information with other schools in the Focus and OneSchool network. For example, if you have done especially well then we may tell our other schools about your achievement;

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en)

If the country that we are sending your child's information to is not on the list, or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might not have the same level of protection for personal information as there is in the UK.

We will provide you with details about the safeguards which we have in place outside of this privacy notice. If you have any questions about the safeguards that are in place please contact the Data Protection Lead

### **For how long do we keep your child's information?**

We keep your child's information for as long as we need to in order to educate and look after them. We will keep certain information after your child has left the School, for example, so that we can find out what happened if you make a complaint.

In exceptional circumstances we may keep your child's information for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

The table below shows for how long we keep different types of information about your child.

<b>Type of information</b>	<b>Retention period or the criteria used to determine the retention period</b>
Admission and attendance registers	3 years from date of last entry
Child protection records	32 years after your child leaves school at age 18
Medical, SEND & counselling records	6 years after your child leaves school at age 18
Student files including exam records	6 years after your child leaves school at age 18



## Sharing between the School and the Trust: Further information

As set out in the Introduction, this Notice covers how both the School and the Trust handle your child's personal information. This section contains more information about how and why personal information is shared between the School and the Trust:

- The Trust helps the School with all aspects of the School's operations, this includes to help the School to maintain its high standards and to improve. This means that the School and the Trust share your child's personal information in connection with any of the purposes described in this Notice. For example:
  - The Trust may be involved in assessing an application for a student to join the School.
  - The School and the Trust work together to analyse each student's exam and assessment results so that the best possible education can be provided to the student concerned and also to improve the School more generally.
  - To enable the Trust to provide advice and support should there be an area where the School needed to improve.
- The Trust provides general administration and back-office support for itself and the School. This means that student information is held in a database managed by the Trust. It also means that you may deal direct with the Trust if you had to report an IT problem, for example.
- The Trust uses Regional Principals to help the School improve. Regional Principals will have access to all information held at School level where they need that information for this purpose. Regional Principals are acting on behalf of the Trust, so the Trust is ultimately responsible for making sure that a Regional Principal complies with data protection law.

The Trust helps to organise events and functions. For example, a parent and student open day or a staff recruitment seminar.

## What decisions can you make about your child's information?

From 25<sup>th</sup> May 2018 you will be able to make various decisions about your child's information. Some of these are new rights whilst others build on your child's existing rights. Your child's rights are as follows:

- **Rectification:** if information is incorrect you can ask us to correct it.
- **Access:** you can also ask what information we hold about your child and be provided with a copy. This is commonly known as making a subject access request. We will also give you extra information, such as why we use this information about your child, where it came from and what types of people we have sent it to.
- **Deletion:** you can ask us to delete the information that we hold about your child in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your child's information to you or to a third party in a format that can be read by computer in certain circumstances.

- **Restriction:** our use of information about your child may be restricted to simply storing it in some cases. For example, if you tell us that the information is inaccurate we can only use it for limited purposes while we check its accuracy.
- **Object:** you may object to us using your child's information where:
  - we are using it for direct marketing purposes (e.g. to send your child the School magazine);
  - the legal basis on which we are relying is either legitimate interests or performance of a task carried out in the public interest. Please see the section "Our legal grounds for using your child's information" above;
  - we are using it for historical or scientific research purposes or archiving purposes. For example, we may keep photographs of your class for historical reasons.

The Data Protection Lead can give you more information about your child's data protection rights.

### **Further information and guidance**

- This notice is to explain how we look after your child's personal information. The Data Protection Lead can answer any questions which you might have.

Please speak to the Data Protection Lead if:

- you would like to exercise any of your child's rights listed above; or
- you would like us to update the information we hold about your child; or
- you would prefer that certain information is kept confidential.

If you consider that we have not acted properly when using your child's personal information you can contact the Information Commissioner's Office: [ico.org.uk](https://ico.org.uk).