



ST BEES SCHOOL
WHERE WEST MEETS EAST

DATA PROTECTION AND FAIR PROCESSING POLICY

2021 - 2022

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1. ABOUT THIS POLICY

- 1.1 St Bees School ("The School") needs to process personal data about its current, prospective and former students and their parents, its current, prospective and former staff, its suppliers/ contractors, its current and prospective supporters and other individuals connected to the School, as part of its everyday operations. The School will process such personal data in accordance with the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018 (DPA 2018).
- 1.2 The School is the data controller of this personal data under GDPR and DPA 2018 and has notified its use of personal data with the Information Commissioner's Office (ICO) under registration number ZA295506. The School is committed to compliance with GDPR and DPA 2018 and takes seriously the responsibility of handling personal information.
- 1.3 This Policy sets out the basis on which the School processes personal data. Please read the Policy carefully to understand the School's practices regarding personal data and how it will be treated.

2. DATA PROTECTION ADMINISTRATOR

- 2.1 The School has appointed the Finance Director as its Data Protection Administrator.
- 2.2 The Data Protection Administrator is responsible for:
 - the School's notification as a data controller with the ICO and the notification (where required) of the School's subsidiary companies or trusts as data controllers;
 - endeavouring to ensure that personal data is processed by the School in compliance with this Policy and all applicable data protection laws, including the data protection principles contained in GDPR and DPA 2018 ("the Data Protection Principles");
 - arranging appropriate training for members of the School's staff who are responsible for processing personal data;
 - being available to assist individuals about whom personal data is processed by the School ("data subjects") on issues relating to data protection practices, GDPR and DPA 2018; and
 - the enforcement, monitoring and review of this Policy.

3. THE DATA PROTECTION PRINCIPLES

- 3.1 The Data Protection Principles require the School to ensure all personal data is:
 - a) processed lawfully, fairly and in a transparent manner in relation to the data subject (lawfulness, fairness and transparency);
 - b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for



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

4. PERSONAL DATA PROCESSED BY THE SCHOOL

- 4.1 Personal data processed by the School can take different forms – it may be factual information (such as names, ages and home addresses), expressions of opinion about a data subject, images of or including data subjects or other recorded information which identifies or relates to a living individual.
- 4.2 Personal data processed by the School includes a data subject's contact details and: (for staff and contractors) additional information required for their employment or appointment including images, audio and video recordings and biometric data; (for students) admissions, academic, disciplinary and other education related records, information about special educational needs, references, examination scripts and marks, images, audio and video recordings and biometric data; (for parents and/ or guardians) employment details, family circumstances and financial information.
- 4.3 Special categories of personal data about an individual processed by the School include data concerning their racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, relevant medical information (including details of a data subject's physical or mental health or condition), sex life or sexual orientation, genetic data, biometric data, and criminal records and proceedings. Special categories of personal data are processed only where necessary for the provision of education



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and educational support and ancillary services to a student or for a person's employment.

- 4.4 The School collects the personal data it processes directly from the data subject (or in the case of a student, his parents or guardians) and from third parties (for example, referees, previous schools, NCTL and the Disclosure and Barring Service).

5. PURPOSES FOR WHICH PERSONAL DATA MAY BE PROCESSED

- 5.1 Personal data (including special categories of personal data, where appropriate) is processed by the School in accordance with the General Data Protection Regulation for the following purposes:

- **The provision of education** including the registration of prospective students and administration of the admissions process; administration of the school curriculum and timetable; administration of students' entries to public examinations, reporting upon and publishing the results; providing references for students (including after a student has left); and preparation of information for inspections by the Independent Schools Inspectorate.
- **The provision of educational support and ancillary services** including the provision of pastoral care, welfare, health care services and maintenance of discipline; provision of careers and library services; administration of sports fixtures and teams, school trips; boarding house administration; the implementation of the School's Acceptable Use Policy Agreement relating to the School's IT System.
- **The research into and development of effective teaching and learning methods and best practice** including the provision of professional development to its staff and staff of schools associated with the School.
- **The general administration of the School** including the compilation of student records; the administration of invoices, fees and accounts; the management of the School's property; the management of security and safety arrangements (including the use of CCTV in accordance with Annex 2); the administration and implementation of the School's rules and policies for students and staff; and other reasonable purposes related to the School's operations.
- **The protection and promotion of the School's legitimate interests and objectives** including the publication of its own websites, its internal communication system and virtual learning environment, the prospectus, and other publications; fund-raising for the School's charitable purposes; the maintenance of a historic archive; and communicating with the body of current and former students and/ or their parents or guardians.
- **The administration of its staff, agents and suppliers** including the recruitment of staff/ engagement of contractors (including compliance with DBS procedures); administration of payroll, pensions and sick leave; review and appraisal of staff performance; conduct of any grievance, capability or disciplinary procedures; implementation of the School's Acceptable Use Policy Agreement relating to the



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School's IT system and the maintenance of appropriate human resources records for current and former staff; and providing references.

- **The fulfilment of the School's contractual and other legal obligations**

6. MEANS OF PROCESSING AND TRANSFERS OF PERSONAL DATA

- 6.1 The School will only process personal data for the purpose(s) for which it was originally acquired or which have subsequently been notified to the data subject(s) and will not process it for any other purpose without the data subject's permission, unless it is permitted to do so under GDPR and DPA 2018. The School may communicate with data subjects for the purposes set out above by post, email and SMS and may make use of third party software services.
- 6.2 Personal data shall only be disclosed to those members of the School's staff, agents and suppliers who need to access the personal data to process it for the purpose(s) for which it was acquired. The School adopts appropriate security measures to ensure that personal data is kept secure and not processed without proper authority, as summarised in Annex 1. The School observes legislative requirements and current best practice to ensure personal data is kept for no longer than necessary.
- 6.3 The School will not transfer personal data outside of the EEA unless it is satisfied that the data subject's rights under GDPR and DPA 2018 will be adequately protected.
- 6.4 When processing personal data for the purposes set out above, the School may communicate by post, email and SMS and may make use of third party software services.

7. THIRD PARTIES WITH WHOM THE SCHOOL MAY NEED TO SHARE PERSONAL DATA

- 7.1 From time to time the School may pass personal data (including sensitive personal data where appropriate) to third parties, including local authorities, other public bodies (e.g. the DBS, NCTL, UK Visas and Immigration, HM Revenue and Customs, Department for Education and Department for Work and Pensions), independent school bodies such as the Independent Schools Inspectorate and the Independent Schools Council, school doctors and other health professionals, contractors appointed to process data on behalf of the School, the School's professional advisers and its partner companies in particular St Bees School Trust, St Bees Enterprises Ltd and Full Circle Education Group who will process the data:
- to enable the relevant regulatory authorities to monitor the School's performance;
 - to compile statistical information (normally used on an anonymous basis);
 - to secure funding for the School or on behalf of individual students;



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- to safeguard students' welfare and provide appropriate pastoral (and, where relevant, medical) care;
- where specifically requested by students and/ or their parents or guardians;
- where necessary in connection with learning and co-curricular activities undertaken by students;
- to enable students to take part in public examinations and other assessments and to monitor their progress and educational needs;
- to obtain appropriate professional advice and insurance for the School;
- where a reference or other information about a student or Old St Beghian is requested by another educational establishment or employer to whom they have applied;
- where otherwise required by law; and
- otherwise where reasonably necessary for the proper operation of the School, education of its students and employment of its staff.

7.2 The School shares personal data about current and former students with the St Beghian Society (the OSB). The OSB is a data controller in respect of the personal data it receives and processes and its ICO registration number is ZA307892.

8. RIGHTS OF ACCESS TO PERSONAL DATA

- 8.1 As data subjects, individuals have certain rights under GDPR and DPA 2018, including a general right to be given access to personal data held about them by any data controller. The ICO's guidance is that, in the majority of cases, by the age of 12 an individual has sufficient maturity to understand his rights and to make an access request himself if he wishes.
- 8.2 If individuals wish to access their personal data held by the School or, in the case of parents or guardians, if they wish to access personal data held about their child or a student for whom they have parental responsibility, then a request should be submitted to the Data Protection Administrator in writing. The School will charge an administration fee for providing this information.
- 8.3 The School aims to respond to such subject access requests as quickly as possible and will ensure that a response is provided within 40 days of receiving a valid request.

9. ACCURACY

- 9.1 The School will endeavour to ensure that all personal data held in relation to individuals is accurate and up to date. Individuals must notify the School of any changes to information held about them. An individual has the right to request that inaccurate information about them is corrected.

10. SECURITY



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- 10.1 The School will take reasonable steps to ensure that personal data is kept secure and is only accessed by authorised members of its staff for the purposes for which it is held. All staff will be made aware of this Data Protection Policy and their duties under GDPR and DPA 2018.

11. ENFORCEMENT

- 11.1 If an individual believes that the School has not complied with this Policy or has acted otherwise than in accordance with GDPR and DPA 2018, the individual should notify the Data Protection Administrator who shall, where appropriate, refer the matter for resolution in accordance with the School's grievance/ disciplinary procedure (for staff) or complaints procedure (for parents/ students).
- 11.2 This Policy forms part of the terms and conditions of all employees' contracts of employment. A breach of the Policy may be regarded as misconduct, leading to disciplinary action up to and including summary dismissal. It also applies to all Directors and other officers of the School and breach of this Policy may result in appropriate action being taken by the School.

12. GUIDANCE

- 12.1 Any queries about this Policy or how personal data is processed by the School should be referred to the Data Protection Administrator for further guidance.

13. STORAGE LIMITATION

- 13.1 Personal Data must not be kept in an identifiable form for longer than is necessary for the purposes for which the data is processed.
- 13.2 Personal Data must not be kept in a form which permits the identification of the Data Subject for longer than needed for the legitimate business purpose or purposes for which we originally collected it including for the purpose of satisfying any legal, accounting or reporting requirements.
- 13.3 The School will maintain retention policies and procedures to ensure Personal Data is deleted after a reasonable time for the purposes for which it was being held, unless a law requires such data to be kept for a minimum time.
- 13.4 The School will take all reasonable steps to destroy or erase from its systems all Personal Data that is no longer required in accordance with all the School's applicable records retention schedules and policies. This includes requiring third parties to delete such data where applicable.
- 13.5 The School will ensure Data Subjects are informed of the period for which data is stored and how that period is determined.



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13.6 The School's default retention periods are as follows:

Document	Duration
References given / information to enable references to be provided	6 years from reference / end of employment (whichever is longer)
Statutory Sick Pay records, calculations, certificates, and self-certificates	6 years after employment ceases.
Personnel files and training records (incl. disciplinary, capability, grievance, working time, review & appraisals)	6 years after employment ceases.
Redundancy details, calculations of payments, refunds, notification to the Secretary of State	6 years from the date of redundancy
Accident books, accident records/reports	3 years from the date of the last entry (or, if the accident involves a child/young adult, then until that person reaches the age of 21).
Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence	3 years after the end of the tax year in which the maternity period ends.
Retirement Benefits Schemes	6 years from the end of the scheme year in which the event took place
Wage/salary records (also overtime, bonuses, expenses)	6 years
National minimum wage records	3 years after the end of the pay reference period following the one that the records cover
Records relating to working time	2 years from date on which they were made.
Application forms and interview notes (for unsuccessful candidates)	1 year
Assessments under health and safety regulations and records of consultations with safety representatives and committees	Permanently.
Parental leave	5 years from birth/adoption of the child or 18 years if the child receives a disability allowance.

10.7 Data Subjects must be informed of retention periods for any records not detailed above, or where the retention periods are different than specified above (along with the reason for the difference).



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ANNEX 1

DATA SECURITY PRINCIPLES

Access to personal data is provided to members of staff who require access to that personal data to perform their duties and responsibilities. As a result, different members of staff will have access to different categories of personal data depending upon their role.

The security measures in place to protect data held electronically are set out in the School's Acceptable Use Policy Agreement, which is reviewed annually. All data on the School's networks is protected by ESET anti-virus software that runs on servers and workstations and is updated automatically. Data on the School's networks is backed-up daily.

Personal data held in manual files is only accessible by authorised individuals and, where of a confidential nature, is kept in locked filing cabinets when not in use.

Paper-based copies of personal data (or other sensitive or confidential data) are disposed of in a secure manner, by shredding. Decommissioned IT equipment has data destruction procedures applied prior to its disposal.

The physical security of the School premises is checked by the Facilities Manager daily.

The School ensures that prior to the transfer of any personal data to a third party for processing, the third party has appropriate technical and organisational security measures governing the processing to be carried out.

New staff are required to read and understand the Acceptable Use Policy Agreement as part of their induction.

Any lapses in data security must be reported to the Finance Director at the earliest opportunity.



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ANNEX 2 USE OF CCTV

CCTV cameras are located at various points around the School's property and cover the approaches to the School, the roads and paths connecting the school, the outbuildings and the entrances to school buildings and boarding houses. There are a total of 16 cameras across the site. All cameras are vandal and weatherproof.

The School's notification with the Information Commissioner records that CCTV is used to maintain the security of the School's premises, its staff and students and for the prevention and detection of crime. Signs are displayed at our entrances warning that CCTV is used. The CCTV system is not used for any other purpose and CCTV images are not provided to any third party, save for law enforcement agencies. An annual audit and review of our use of CCTV is carried out. Our CCTV monitors are in the Facilities Manager's office to which access is restricted. In the event of an emergency and the formation of the Incident Management Group access to the CCTV cameras can be made at the Finance Director's office. Access to CCTV from remote locations is restricted to 'view only'.

The Facilities Manager is trained in operating, recording and retaining images taken. Recordings are automatically deleted after 18 days. Recordings of suspicious incidents and crimes in action are stored within the Facilities Manager's network drive which are regularly reviewed by Facilities Manager. All staff are aware of the procedure for handling requests for the disclosure of their own image by individuals, where the School's policy is:

- To agree the request on production of a photograph confirming the identity of the individual making the request and the administrative fee.
- To consult the Information Commissioner where there is doubt about the request.

The CCTV system is serviced annually, and cameras are checked regularly to ensure that they continue to provide clear images. Our system is checked against the checklist at Appendix 2 to the ICO's Data Protection Code of Practice for Surveillance Cameras and Personal Information (2015) every two years. An audit and review of our use of CCTV is carried out every two years by the Facilities Manager.