

## **Bede's Trust Privacy Notice**

### **Contents**

1. Related Policies
2. Who we are
3. What is this Privacy Notice for?
4. Responsibility for Data Protection
5. Why the Trust Needs to Process Personal Data
6. Types of Personal Data Processed by the Trust
7. How the Trust Collects Data
8. Who has Access to Personal Data and who the Trust shares it with
9. How long we keep Personal Data
10. Keeping in touch and supporting the Trust
11. Your rights
  - 11.1. Rights of access etc.
  - 11.2. Requests that cannot be fulfilled
  - 11.3. Pupil requests
  - 11.4. Parental requests etc.
  - 11.5. Consent
  - 11.6. Whose rights?
12. Data Accuracy and Security
13. This Policy
14. Queries and Complaints
15. Resources and Further Information

## **Introduction**

The Bede's Trust is committed to ensuring the privacy of all members of the Bede's community is protected.

This Privacy Notice explains when and why the Bede's Trust collects personal data, how we keep it secure and the rights you have in reference to your data.

This policy applies to all members of the Trust and is intended to be read in conjunction with the policies listed below in the 'Related Policies' section of this document.

### **1. Related Policies**

- Acceptable Use Policy Prep School – Student Guidelines
- CCTV Policy (Trust)
- E-Safety Mobile Device Policy and Pupil Guidelines (Senior School)
- E-Safety Policy (Trust)
- E-Safety Pupil Acceptable Use Policy and Guidelines (Senior and Prep)
- E-Safety Staff Acceptable Use Policy and Guidelines (Trust)
- E-Safety Social Media for Educational Use Policy (Trust) Guidelines
- Mobile Device and Digital Content Policy Including EYFS
- Parent Contract
- Security Policy and Procedures (Trust)
- Trust Retention of Records Policy
- Website Privacy Notice

### **2. Who we are**

We are St Bede's School Trust Sussex, a charitable company registered in England and Wales. Our charity registration number is 278950, our company registration number is 1386499 and our registered office is at Bede's School, Upper Dicker, Hailsham, BN27 3QH.

The Trust is the data controller for the purposes of Data Protection Law and is registered with the Information Commissioner's Office under registration reference Z9342232.

This Privacy Notice covers the operations of Bede's Trust ('the Trust') including the Bede's Senior School, the Prep School and the Pre-prep. It also includes the operations of the Trust's subsidiary companies including Dicker Enterprises Limited, company number 02380368 and Letchfield Properties Limited, company number 02664231.

### **3. What is this Privacy Notice for?**

This policy is intended to provide information about how the Trust will use (or 'process') personal data about individuals including: its staff; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as 'parents'). Collectively, we refer to these individuals as the Trust's 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 Trust's obligations to its entire community.

This Privacy Notice applies alongside any other information the Trust 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 Trust's other relevant terms and conditions and policies, including:

- any contract between the Trust and its staff or the parents of pupils;
- the Trust's codes of conduct for Photographs and Videos and Communicating with pupils;
- the Trust's Use of Images policy;
- the Trust's CCTV code of practice;
- the Trust's Retention of Records policy;
- the Trust's Safeguarding, Pastoral, or Health and Safety policies, including as to how concerns or incidents are recorded; and
- the Trust's IT policies, including its Acceptable Usage policy, E-Safety policy, Laptop policy and EYFS Mobile Devices - Acceptable Use policy.

Anyone who works for, or acts on behalf of, the Trust (including staff, volunteers, visitors, governors and service providers) should also be aware of and comply with this Privacy Notice.

### **4. Responsibility for Data Protection**

The Trust has appointed a Data Compliance Manager, who will deal with all of your requests and enquiries concerning the Trust's uses of your personal data (see section on 'Your Rights' below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

The Data Compliance Manager may be contacted by post or email at [datacompliancemanager@bedes.org](mailto:datacompliancemanager@bedes.org).

## 5. Why the Trust Needs to Process Personal Data

In order to carry out its ordinary duties to staff, pupils and parents, the Trust needs to process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of its daily operation.

Some of this activity the Trust 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 Trust'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 Trust expects that the following uses will fall within that category of its (or its community's) '**legitimate interests**':

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Maintaining relationships with alumni and the wider Trust community, including direct marketing or fundraising activity;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background;
- 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 Trust's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils;
- To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils of the Trust;
- To safeguard pupils' welfare and provide appropriate pastoral care e.g. by disseminating relevant information in staff meetings on a 'need to know basis' in order to properly equip staff to safeguard the relevant pupil(s).
- To monitor (as appropriate) use of the Trust's IT and communications systems in accordance with the Trust's IT: acceptable use policy;
- To make use of photographic images of pupils in Trust publications, on the Trust website and (where appropriate) on the Trust's social media channels in

accordance with the Trust's policy on taking, storing and using images of children;

- For security purposes, including CCTV in accordance with the Trust's CCTV policy;
- To carry out or cooperate with any Trust or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the Trust's purposes, including to obtain appropriate professional advice and insurance for the Trust.

In addition, the Trust 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 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 Trust 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 or pension plans;
- As part of any Trust or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

## **6. Types of Personal Data processed by the Trust**

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about parents who pay fees to the Trust;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academics, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the Trust 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 Trust activities, and images captured by the Trust's CCTV system (in accordance with the Trust's policy on taking, storing and using images of children).

## **7. How the Trust collects Data**

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

However, in some cases personal data will be supplied by third parties (for example another school, or other professionals or authorities working with that individual); or collected from publicly available resources (such as electoral registers and telephone directories in order to obtain current contact details).

## **8. Who has access to Personal Data and who the Trust shares it with**

Occasionally, the Trust 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, Companies House, DfE, police or the local authority);
- appropriate regulatory bodies e.g. NCTL, the Independent Schools Inspectorate, the Charity Commission or the Information Commissioner).

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

- medical records held and accessed only by the Trust doctor and appropriate medical staff under his/her supervision, or otherwise in accordance with express consent; and
- pastoral or safeguarding files.

However, a certain amount of any SEN pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

Staff, pupils and parents are reminded that the Trust is under duties imposed by law and statutory guidance (including [Keeping Children Safe in Education](#)) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information about this, please view the Trust's Safeguarding Policy.

To enable the Trust to fulfil its safeguarding obligations it also makes use of MyConcern Tracking software to help identify individual concerns.

Finally, in accordance with Data Protection Law, some of the Trust's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the Trust's specific directions.

## **9. How long we keep Personal Data**

The Trust will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and pupil personnel files is up to 7 years following departure from the Trust, although most pupil records are kept until the individual reaches the age of 25. In addition, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. Details are included in the Trust Retention of Records Policy.

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 Data Compliance Manager at [datacompliancemanager@bedes.org](mailto:datacompliancemanager@bedes.org). However, please bear in mind that the Trust will often have lawful and necessary reasons to hold on to some personal data even following such request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a 'suppression record').

## **10. Keeping in touch and supporting the Trust**

The Trust will use the contact details of parents, alumni and other members of the Trust community to keep them updated about the activities of the Trust, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the Trust will also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the Trust community.
- Contact parents and/or alumni (including via the organisations above) by post and email in order to promote and raise funds for the Trust and, where appropriate, other worthy causes;
- Collect information from publicly available sources about parents' and former pupils' occupation and activities, in order to maximise the Trust's fundraising potential.
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Data Compliance Manager in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the Trust 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).



## **11. Your rights**

### **11.1. Rights of access, etc.**

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the Trust, and in some cases ask for it to be erased or amended or have it transferred to others, or for the Trust to stop processing it – but subject to certain exemptions and limitations.

Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the Data Compliance Manager.

The Trust will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits (which is one month in the case of requests for access to information, but actually fulfilling more complex requests may take 1-2 months longer).

The Trust will be better able to respond quickly to smaller, targeted requests for information. If the request for information is manifestly excessive or similar to previous requests, the Trust may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it).

### **11.2. Requests that cannot be fulfilled**

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), or information which is subject to legal privilege (for example legal advice given to or sought by the Trust, or documents prepared in connection with a legal action).

The Trust is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the Trust itself for the purposes of the education, training or employment of any individual.

You may have heard of the 'right to be forgotten'. However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

### **11.3. Pupil requests**

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the Trust, they have sufficient maturity to understand the request they are making (see section 'Whose Rights?' below). A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.

Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's: for older pupils, the parent making the request may need to evidence their child's authority for the specific request.

Pupils at the Senior School 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.

### **11.4. 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 Trust 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 Trust's Terms and Conditions. Where parents are separated, the Trust 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.

### **11.5. Consent**

Where the Trust is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Examples where we do rely on consent are certain uses of images and certain types of fundraising activity. Please be aware however that the Trust 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).

### **11.6. Whose rights?**

The rights under Data Protection Law belong to the individual to whom the data relates. However, the Trust 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 Trust relying on strict consent (see section on 'Consent' above).

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the pupil's age and understanding – to seek the pupil's consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.

In general, the Trust 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 Trust'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 Trust may be under an obligation to maintain confidentiality unless, in the Trust's opinion, there is a good reason to do otherwise; for example, where the Trust 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 Trust's IT Policies and the Trust Rules. Staff are under professional duties to do the same as set out in the Staff Handbook.

## **12. Data Accuracy and Security**

The Trust will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the Human Resources Department by telephone or email [hr@bedes.org](mailto:hr@bedes.org) 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 Trust may need to process your data, of who you may contact if you disagree.

The Trust 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 Trust systems. All staff and governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

### **13. This Policy**

The Trust 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.

### **14. Queries and Complaints**

Any comments or queries on this policy should be directed to the Data Compliance Manager by post at the Trust or at [datacompliance@bedes.org](mailto:datacompliance@bedes.org).

If an individual believes that the Trust has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the Trust complaints or grievance procedure as appropriate and should also notify the Data Compliance Manager at [datacompliance@bedes.org](mailto:datacompliance@bedes.org). 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 Trust before involving the regulator.

### **15. Resources & Further Information**

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

[Data Protection Act 1998](#)

[Data Protection Act 2018](#)

[Privacy and Electronic Communications Regulations 2003](#)

[The Protection of Freedoms Act 2012 \(biometrics and CCTV\)](#)

[Twitter Privacy Policy](#)

[Facebook Privacy Policy](#)

[Google Privacy Policy](#)

**Owned by:** Data Compliance Manager

**Authorised by:** SMT

**Date:** August 2018

**Review Date:** August 2019

**Circulation:** All staff, parents and pupils