Data Protection Policy

INTRODUCTION

The Mount School York collects and uses personal information about staff, pupils, parents, former pupils and other individuals who come into contact with the school and its associated organisations including:

- The Mount School York, including the Pre-School, Junior School, Senior School and College.
- The Mount School Estates (York) Ltd.
- Mount School Association (MSA).
- The Mount School York Foundation.

This information is gathered in order to enable the school to provide pupils with an education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. The Mount School York has registered our use of Personal Data with the Information Commissioner's Office (ICO) and further details of the Personal Data we hold can be found at the ICO website www.ico.org.uk

Schools also have a duty to issue a Privacy Notice to all pupils, parents, staff, volunteers, governors and old scholars, which summarises the information held on individuals, why it is held and the other parties to whom it may be passed on. The Mount School York's Privacy Notices can be requested from the Head's PA head@mountschoolyork.co.uk or can be viewed on the school website www.mountschoolyork.co.uk

PURPOSE

This policy is intended to ensure that personal information is handled correctly and securely, in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR), along with any other relevant legislation. The Act covers issues such as data security, an individual's rights to access information about themselves and the use and disclosure of personal information. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to the policy and staff guidelines.

WHAT IS PERSONAL INFORMATION?

Personal information or data is defined as information/data which relates to a living individual who can be identified from that data, or other information held. It includes for example, name, address, photographs, details of donations and also includes online identifiers such as internet protocol (IP) addresses.

DATA PROTECTION PRINCIPLES

Under the UK General Data Protection Regulation, the School complies with the following data protection principles. Personal data shall be:

1. Processed lawfully, fairly and in a transparent manner (lawfulness, fairness and transparency).

2. Collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes (purpose limitation).
3. Adequate, relevant and limited to what is necessary (data minimisation).
4. Accurate and, where necessary, kept up to date (accuracy).
5. Kept in a form which permits identification for no longer than necessary (storage limitation).
6. Processed in a manner that ensures appropriate security (integrity and confidentiality).

OUR COMMITMENT

The Mount School York is committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the Data Protection Principles and data protection legislation. In order to maintain the above principles, the School will:

- Inform individuals why the information is being collected when it is collected.
- Inform individuals if their information is shared, and why and with whom it was shared.
- Check the quality and the accuracy of the information it holds.
- Ensure that information is not retained for longer than is necessary.
- Ensure that obsolete information is destroyed appropriately and securely.
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded.
- Share information with others only when it is legally appropriate to do so.
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests.
- Ensure our staff are aware of and understand our policies and procedures.

The Mount School York's Bursar, Heather Berry, acts as the School's Data Protection Lead. However, all staff will treat all personal information in a confidential manner and follow the guidelines in this policy. The school is committed to ensuring that its staff are aware of Data Protection policies and their legal requirements.

The requirements of this policy are mandatory for all staff employed by the school and any third party contracted to provide services to the school.

PROCESSING PERSONAL DATA

'Processing personal data' refers to how personal data is used by the school, including disclosing, copying and storing personal data. The school acts as a Data Controller. Third-party service providers who process personal data on behalf of the school act as Data Processors and are subject to contractual data protection obligations. The school shall only process personal data for specific legitimate purposes. These are:

- Ensuring that the school provides a safe and secure environment.
- Providing pastoral care.
- Providing education and learning for our pupils.
- Providing additional activities for pupils and parents.
- Protecting and promoting the school's interests and objectives – this includes marketing and fundraising.
- Safeguarding and promoting the welfare of our staff and pupils.
- To fulfil the school's contractual and other legal obligations.

Legal Bases

The school's legal bases for processing data are as follows:

• **Legal obligation** – to comply with education, safeguarding, employment and other applicable laws
• **Contract** – to fulfil staff employment contracts and parent/school agreements
• **Public task** – to provide education and ensure the welfare and safeguarding of pupils
• **Legitimate interests** – for operational management, security, alumni relations and fundraising
• **Consent** – where specific permission has been obtained (for example certain uses of photographs)

INFORMING THE INDIVIDUAL

We shall be transparent about what data is collected, and what it is used for, unless it is obvious. All individuals will receive this information via our Privacy Notices. The Privacy Notice is provided to parents, pupils, staff and old scholars prior to the processing of an individual's data when joining the school. Copies of the Privacy Notice can be obtained from the Data Protection Lead or on the school's website. www.mountschoolyork.co.uk

There may be circumstances where the school is required either by law or in the best interests of our pupils or staff to pass information onto external authorities, for example local authorities, the Police or the Department of Health. The intention to share data relating to individuals with an organisation outside of our school shall be clearly defined within notifications and details of the basis for sharing given. Data will be shared in circumstances where it is a legal requirement to share such information. Any proposed changes to the processing of an individual's data shall be notified to them first.

ACCESSING, DISCLOSING AND SHARING DATA

All personal data held by The Mount School York will be processed in a way that is fair to individuals. The general position is that personal data should only be accessed or shared on a 'need to know' basis. Only staff with authorised access will be allowed to process an individual's data. Those staff will only use the data for the purpose it was obtained and will only keep personal data for as long as it is reasonably necessary, in compliance with the GDPR and the school's data retention policy.

THIRD PARTY REQUESTS

Personal data about individuals will not be disclosed to third parties without their consent or the consent of the pupil's parent or carer, unless it is required by law or in the best interest of the child. Data may be disclosed to the following third parties without consent:

- **Other Schools**. If a pupil moves to another school, their academic records and data that relates to their health and welfare will be forwarded to the new school.
- **Examination Authorities.** This will be for registration purposes, to allow pupils to sit exams set by external exam bodies.
- **Health Authorities.** As obliged under health legislation, the school may pass on information regarding the health of children in the school to monitor and avoid the spread of contagious diseases in the interest of public health.
- **Police and Courts.** If a situation arises where a criminal investigation is being carried out we may have to forward information to the Police.
- **Social Workers and Support Agencies.** In order to protect or maintain the welfare of our pupils, and in cases of child abuse, it may be necessary to pass personal data on to social workers or support agencies.
- **Educational Authorities.** The school may be required to pass data on in order to help authorities monitor education providers.
- **Governmental and non-governmental agencies.** The school may be required to share certain types of information with agencies such as HMRC and the Charity Commission.

PHOTOGRAPHS AND VIDEO

Images of staff and pupils may be captured at appropriate times and as part of educational activities for use in school.

The school may also use images and video to promote the school. The Mount School York seeks permission from parents to use images for publicity. Unless this consent is not given, photos may be used in the media and for publicity, online and in print. In compliance with data protection regulations, parents have the right to withdraw their consent at any time.

DATA SECURITY

The school takes the security of personal data and sensitive information very seriously. The school takes practical measures and technical measures to ensure personal data is kept secure.

PERSONAL DATA BREACHES

A personal data breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

All staff must report any suspected or actual personal data breach immediately to the Data Protection Lead. All staff receive data protection training at induction and annual refresher training as part of the School's safeguarding and compliance programme.

The School will investigate all breaches and maintain a breach log. Where required, the School will notify the Information Commissioner's Office within 72 hours of becoming aware of a reportable breach and, where appropriate, affected individuals will also be informed.

RIGHTS OF ACCESS TO INFORMATION

All individuals whose data is held by The Mount School York, have a legal right to request access to such data or information.

Requests for information must be made in writing, which includes email, and be addressed to the Data Protection Lead. If the initial request does not clearly identify the information required, then further enquiries will be made.

Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 13 or above) and the nature of the request. The school will discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

The response time for subject access requests, once officially received, is 30 days (calendar days, not working or school days, irrespective of school holiday periods). However, the time frame can be extended by up to two months for complex or numerous requests.

RIGHT TO BE FORGOTTEN

Where any personal data is no longer required for its original purpose, an individual can request that the processing is stopped, and all their personal data be erased the school including any data held by contracted processors.

COMPLAINTS

Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Further advice and information are available from the Information Commissioner's Office, www.ico.org.uk.