



Academic Year 2020 – 21

PRIVACY NOTE – POLICY AND PROCEDURE

Name of Policy:	Cross Campus Privacy Notice
Date of Policy Revision:	May 2019
Revised by:	Bursar and Clerk to the Governors
Approval Body:	Executive
Date Approved:	May 2019
Date of next revision and by whom	May 2021 – Bursar and Clerk to the Governors
Location(s) where Policy can be found	☐ ISI Portal ☐ Stonyhurst Website ☐ Intranet ☐ Hard copies in the following rooms: ❖ Compliance & Legal Support ❖ Headmaster's PA ❖ SMH Headmaster's PA ❖ Bursar's PA

PRIVACY NOTICE

INTRODUCTION

This privacy notice explains how Stonyhurst collects, uses and shares the personal data of its current, past and prospective staff (including contractors and volunteers) and governors; its current, past and prospective pupils (including external pupils attending dance or exercise classes, swimming classes, the Stonyhurst Children's Holiday or the Stonyhurst Summer Language School); their parents, carers or legal guardians (referred to in this policy as "parents") or education guardians; members of the Stonyhurst Sports Centre and members of the Stonyhurst Association.

Stonyhurst (including Stonyhurst, Stonyhurst College Developments Ltd, Stonyhurst Charitable Fund, and Trustees of Stonyhurst College Group Money Purchase Scheme) is the data controller of your personal data and is subject to all current data protection legislation. Stonyhurst is registered as a data controller with the Information Commissioner's Office.

For the purposes of this notice, "Stonyhurst" includes Stonyhurst College, St. Mary's Hall and Hodder House, and the Stonyhurst Sports Centre.

WHAT THIS POLICY IS FOR

This policy is intended to provide information about how Stonyhurst will use (or "process") personal data. This information is provided in accordance with the rights of individuals under Data Protection Law to understand how their data is used. Staff, governors, members of the Stonyhurst Association, parents and pupils (including alumni) and members of the Stonyhurst Sports Centre are all encouraged to read this Privacy Notice and understand Stonyhurst's obligations to its entire community.

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

- any contract between the school and its staff or the parents of pupils;
- Stonyhurst's data protection policy;
- Stonyhurst's policy on taking, storing and using images of children;
- Stonyhurst's CCTV policy;
- Stonyhurst's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- Stonyhurst's IT policies, including its Acceptable Use policy.

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

RESPONSIBILITY FOR DATA PROTECTION

- Stonyhurst has appointed Simon Marsden (the Bursar) as Privacy and Compliance Officer who will deal with all your requests and enquiries concerning Stonyhurst's use 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.
- Simon Marsden's contact details are as follows:

Email address: bursar@stonyhurst.ac.uk

Postal address: Stonyhurst College, Clitheroe, Lancashire, BB7 9PZ

Telephone number: 01254 827023

WHY STONYHURST NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, pupils and parents, Stonyhurst may process a wide range of personal data about individuals including current, past and prospective staff, governors, pupils (including external pupils attending dance classes, swimming lessons, the Stonyhurst Children's Holiday or the Stonyhurst Summer Language School) their parents and education guardians, members of the Stonyhurst Association and members of the Stonyhurst Sports Centre as part of its daily operation.

Stonyhurst will need to carry out some of this activity in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its pupils, or Sports Centre members.

Other uses of personal data will be made in accordance with the school'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.

Stonyhurst expects that the following uses may 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);
- For the purposes of employee selection in order to recruit appropriate and competent staff;
- To fulfil our obligations as an employer in processing the personal data of staff for legal, personnel, administrative and management purposes, for example so that we can pay staff, monitor their performance, and to confer benefits in connection with their employment;
- 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 school community and members of the Stonyhurst Association, including direct marketing or fundraising activity;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity or gender pay gap analysis and taxation records);
- To enable relevant authorities to monitor Stonyhurst'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 school;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of Stonyhurst's IT and communications systems in accordance with Stonyhurst's ICT Acceptable Use Policy;

- To make use of photographic images of pupils in Stonyhurst publications, on the school website and (where appropriate) on the school's social media channels in accordance with the school's policy on taking, storing and using images of children;
- For security purposes, including using CCTV in accordance with the school's CCTV policy; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

In addition, Stonyhurst may 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 may 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 where it is in the individual's interests to do so: for example for medical advice, to the social services, for insurance purposes or to the organisers of school trips;
- 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 welfare or pension plans; DBS checks and information relating to any criminal records; to monitor sickness absence and take decisions regarding a member of staff's fitness for work;
- To run any of its systems that operate on biometric data (such as finger printing); 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.

TYPES OF PERSONAL DATA PROCESSED BY STONYHURST

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car vehicle registration numbers (for those who drive on site);
- biometric information, which will be collected and used by Stonyhurst in accordance with its biometrics policy.
- bank details and other financial information, e.g. about parents who pay fees to Stonyhurst; individuals who make financial donations to Stonyhurst; employees and contractors who are paid by Stonyhurst;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- where appropriate, information about individuals' health, and contact details for their next of kin;
- references given or received by Stonyhurst about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with pupils; and
- images of pupils and staff (and occasionally other individuals) engaging in college/school activities, and images captured by Stonyhurst's CCTV system (in accordance with Stonyhurst's CCTV policy and policy on taking, storing and using images of children);
- personal information relating to employees including references, qualifications, employment history, training records, criminal records data, details relating to salary and terms and conditions;

HOW STONYHURST COLLECTS DATA

Generally, Stonyhurst 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 may be supplied by third parties (for example another school, or other professionals or authorities working with that individual); or collected from publicly available resources.

WHO HAS ACCESS TO PERSONAL DATA AND WHO STONYHURST SHARES IT WITH

Within Stonyhurst, personal data may be shared between its different operations (including Stonyhurst, Stonyhurst College Developments Ltd, Stonyhurst Charitable Fund, and Trustees of Stonyhurst College Group Money Purchase Scheme) where it is appropriate to do so.

For the most part, personal data collected by the school will remain within Stonyhurst, 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 of pupils or staff; and
- pastoral or safeguarding files relating to pupils.

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.

Occasionally, Stonyhurst will need to share personal information relating to its community with third parties, such as professional advisers (lawyers and accountants) or relevant authorities (HMRC, police, local authority, Department for Education, Foreign Office, Ministry of Defence (in respect of data concerning cadets) and the Health and Safety Executive). Personal data may also be shared with other organisations where appropriate, including relevant pension providers, examination boards (for both curricular subjects and extra-curricular activities), the Duke of Edinburgh Award scheme administrators, training programme administrators, activity providers, school agents and inspectorates. We may share personal details relating to the health (including special educational needs) of an individual in limited circumstances, and only where necessary, if it is in the interests of the individual to do so.

Staff, pupils and parents are reminded that Stonyhurst is under duties imposed by law and statutory guidance 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 may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO (Local Authority Designated Officer) or police. For further information about this, please view Stonyhurst's Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of the Stonyhurst's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. In certain circumstances, we may disclose limited personal data of our alumni and members of the Stonyhurst Association to our contractors for analysis in connection with fundraising activities. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the Stonyhurst's specific directions.

HOW LONG WE KEEP PERSONAL DATA

Stonyhurst 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 personnel files is up to 7 years following departure from the School/College. Pupil files will generally be kept until the child has attained 25 years of age, in line with the recommendations from the Independent Schools' Bursars Association. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. If you have any specific queries about how this policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, or you would like a copy of our Data Protection Policy, please contact the Privacy and Compliance Officer who is the relevant person handling such requests at school. However, please bear in mind that Stonyhurst may have lawful and necessary reasons to hold on to some data.

KEEPING IN TOUCH AND SUPPORTING STONYHURST

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

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the Stonyhurst community.
- Contact parents and/or alumni by post and email in order to promote and raise funds for Stonyhurst and, where appropriate, other worthy causes.
- Collect information from publicly available sources (for example, Companies House, the Electoral Register and the media) about parents' and former pupils' occupation, activities and personal circumstances, to help us to assess an individual's inclination and capacity to support Stonyhurst either financially or by volunteering their time. This information also helps us to understand more about their preferences regarding events, volunteering, fundraising and methods of communication and allows us to direct our resources more efficiently. We may use trusted third party partners to automate some of this work in order to help us to maximise Stonyhurst's fundraising potential.
- Collect information from publicly available sources in order to attempt to re-establish contact with members of the Stonyhurst community where contact has been lost.
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Privacy and Compliance Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, Stonyhurst may need nonetheless 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 have various rights under Data Protection Law to access and understand personal data about them held by Stonyhurst, and in some cases ask for it to be erased or amended or for Stonyhurst 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 Privacy and Compliance Officer.

Stonyhurst will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, (which from 25th May 2018 onwards is one month in the

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

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal professional privilege. Stonyhurst is also not required to disclose any pupil examination scripts (though examiners' comments may fall to be disclosed), nor any confidential reference given by Stonyhurst for the purposes of the education, training or employment of any individual.

PUPIL REQUESTS

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of Stonyhurst, they have the sufficient maturity to understand the request they are making (see section Whose Rights below). Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the information in question is always considered to be the child's at law.

A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf. Moreover (if of sufficient age) their consent or authority may need to be sought by the parent making such a request. Pupils in Lower Grammar and upwards will generally be 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. Pupils at St. Mary's Hall may also be sufficiently mature to have a say in this decision in some cases.

All information requests from, or on behalf of, pupils – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

CONSENT

Where Stonyhurst 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 Stonyhurst may 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 the Stonyhurst Association has been requested).

WHOSE RIGHTS

The rights under Data Protection Law belong to the individual to whom the data relates. However, Stonyhurst will often rely on parental consent to process personal data relating to pupils (if consent is required) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on 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, Stonyhurst 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, unless, in Stonyhurst'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, Stonyhurst may be under an obligation to maintain confidentiality unless, in Stonyhurst's opinion, there is a good reason to do otherwise; for example where Stonyhurst 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 Stonyhurst's Acceptable Use Policy and the school rules.

DATA ACCURACY AND SECURITY

Stonyhurst 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 Stonyhurst of any significant changes to important information, such as contact details, held about them in the following way:

- Staff should contact the Personnel Department
- Pupils or the parents of Stonyhurst College pupils should contact Mrs Roxanne Taylor on 01254 827047
- Parents of St Mary's Hall and Hodder House pupils should contact Mrs Tracey Ashton 01254 827016
- Alumni should contact Mrs Beverley Sillitoe in the Association Office on 01254 827043
- Stonyhurst Sports Centre members should contact the Sports Centre reception on 01254 827015
- Anyone else should contact our main reception on 01254 826345

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 Stonyhurst may need to process your data, and who you may contact if you disagree.

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

THIS POLICY

Stonyhurst 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 policy should be directed to the Privacy and Compliance Officer.

If an individual believes that Stonyhurst has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise Stonyhurst's complaints procedure (employees should utilise Stonyhurst's Grievance Procedure) and should also notify the Privacy and Compliance Officer. 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 internally before involving the regulator.

Simon Marsden, Privacy and Compliance Officer

May 2019