

# Privacy Notice for Pupils



St John's School  
LEATHERHEAD

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Responsible person: Operations and Compliance Director

References: Data Protection Policy and Compliance Procedures for Staff (L19)  
Information and Records Retention Policy and Procedures (L43)

Policy Number: L25

## COVID-19 RELATED PROCESSING

**While pandemic conditions persist, the school may need to collect, share and otherwise process personal data in accordance with Government guidance. This may be for reasons not specifically set out in this Privacy Notice but always for the purposes of protecting public and individual health by seeking to limit the spread of coronavirus (COVID-19).**

### Introduction

This notice is to help pupils understand how and why we collect your personal information and what we do with that information. It also explains the decisions that you can make about your own information. We are giving you this notice because you are mature enough to make decisions about your personal information.

If you have any questions about this notice please talk to your form tutor/Housemaster/Housemistress.

### What is "personal information"?

Personal information is information that the School holds about you and which identifies you.

This includes information such as your name, date of birth and address as well as things like exam results, medical details and behaviour records. The School may also record your religion or ethnic group. CCTV, photos and video recordings of you are also personal information.

### Our legal bases for using your information

This section contains information about the legal bases that we are relying on when handling your information.

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 40 below.

#### Legitimate interests ("LI")

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

- Providing you with an education and making sure that you are behaving properly.
- Complying with our agreement with your parents for you to be at the School.
- Looking after you, your classmates and our staff (e.g. your teachers).
- Keeping the School buildings safe.
- Making sure that the School is well managed and that we protect the School's reputation.
- Telling people about the School and what we do here e.g. we may use photographs of you in our prospectus, on our website or in our social media.
- Ensuring that all relevant legal obligations of the School are complied with (for example in relation to inspections).
- Using your information in connection with legal disputes.

- Improving the School e.g. if we want to raise money to build new facilities or to make sure that we are providing you and your classmates with a good schooling experience.

In addition your personal information may be processed for the legitimate interests of others. For example, we may use information about you when investigating a complaint made by one of your fellow pupils.

#### Legal obligation ("LO")

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

#### Vital interests ("VI")

In limited circumstances we may use your information to protect your vital interests or the vital interests of someone else (e.g. if you 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 you and others with an education;
- safeguarding and promoting your welfare and the welfare of your classmates;
- facilitating the efficient operation of the School; and
- ensuring that we comply with all of our legal obligations.

The School 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")

The School is 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, the School will use information about your health to look after you. We may also use other types of special category personal data about you to provide you with an education, to look after you and your classmates or when the School is inspected.

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

There will be times when the School needs to use your information because we are an employer (e.g. we employ your teachers). Also the School will use your information to comply with social protection law (e.g. to look after you) and social security laws. Social protection law is concerned with preventing, managing, and overcoming situations that adversely affect people's wellbeing.

#### Vital interests

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

#### Legal claims ("LC")

We are allowed to use your information if this is necessary in relation to legal claims. For example, 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 does the School collect 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 below refer to the legal bases we are relying on. Please see the section above for an explanation.

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

Admissions forms give us lots of personal information about you such as your name, contact details, disabilities, any particular difficulties you have with work, hobbies and interests, medical information (such as information about an allergy) and family circumstances. We get information from you, your teachers and other pupils. Your old school also gives us information about you so that we can teach and care for you.

Sometimes we get information from your doctors and other professionals where we need this to look after you.

3. We will use information about you during the admissions process e.g. when marking your entrance exams and learning more about you from your parents before you join the School. We may let your old school know if you have been offered a place at the School - **LI**, **PI**, **SP**.
4. We need to tell all your teachers if you have a health issue - **LI**, **PI**, **SP**.
5. We will need to tell your teachers if you have special educational needs or need extra help with some tasks - **LI**, **PI**, **SP**.
6. We will need to share information about you (e.g. about your health and wellbeing) with the School doctor or counsellor - **LI**, **PI**, **SP**, **ESP**, **MP**.
7. If we have information that you suffer from an allergy we will use this information so that we can look after you - **LI**, **PI**, **SP**, **MP**.
8. If we have information that you suffer from a disability we will use information about that disability to provide support - **LI**, **PI**, **SP**, **ESP** and in certain circumstances, **MP**.
9. Where appropriate, the School will have information about your religious beliefs and practices. For example, if you do not eat certain foods - **LI**, **PI**, **SP**
10. We use CCTV to make sure the School site is safe. CCTV is not used in private areas such as changing rooms and toilets - **LI**, **PI**, **SP**.
11. We record your attendance and if you have time away from the School we record the reason(s) why - **LI**, **PI**, **SP**.
12. We may need to report some of your information to the government (e.g. the Department for Education). We will need to tell the local authority that you attend the School, if you leave the School, or let them know if we have any concerns about your welfare - **LI**, **LO**, **PI**, **SP**, **ESP**.
13. We are legally required to provide the Department for Education with certain information about you and your classmates. Some of this information will be stored on the National Pupil Database. Organisations can request information from the National Pupil Database which includes information about you. But they are only allowed to do this for limited purposes and they must be very careful about how they use your information. More information can be found here - <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information> - **LO**, **SP**.
14. We may need to share information about you with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the School - **LI**, **LO**, **PI**, **SP**.

15. The School is a charity which means that we may need to share your information with the Charity Commission which checks how we are behaving as a charity - **LI, LO, PI, SPI**.
16. We will need information about any court orders or criminal matters which relate to you. This is so that we can safeguard your welfare and wellbeing and the other pupils at the School - **LI, PI, SPI**.
17. If you are from another country we have to make sure that you 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 you to UK Visas and Immigration who are part of the government - **LI, LO, PI, SPI**.
18. Depending on where you will go when you leave us we may need to provide your information to other schools, colleges and universities or potential employers. For example, we may share information about your exam results and provide references - **LI, PI, SPI**.
19. We may pass on information to your next school which they need to look after you, for example, information about any concerns we have had about your welfare - **LI, LO, PI, SPI, ESP**.
20. The Learning Records Service (which is part of the government) will give us your unique learning number. We may receive details about you (e.g. your qualifications) from the Learning Records Service - **LI, PI, SPI**.
21. When you take public examinations (e.g. GCSEs) we will need to share information about you with examination boards. For example, if you require extra time in your exams - **LI, PI, SPI**.
22. We will provide your information to the local authority so that they can provide careers advice. We may also share your information with the provider of youth support services - **LI, PI, SPI**.
23. The School is sometimes inspected to make sure that we are continuing to be a good school. We will have to make your information available to the inspectors to help them to carry out their job - **LI, LO, PI, SPI**.
24. If someone makes a complaint about how the School has behaved, we may need to use your information to deal with this appropriately. For example, if your parents complain that we have not looked after you properly - **LI, PI, SPI**.
25. The School may share information about you with the local authority for the purpose of the preparation, implementation and / or review of your Statement of Special Educational Needs or Education Health and Care Plan - **LI, PI, LO**.
26. We may need to share information with the police or our legal advisers if something goes wrong or to help with an inquiry. For example, if one of your classmates is injured at School or if there is a burglary - **LI, LO, PI, SPI, LC**.
27. We use consultants, experts and other advisors to assist the School in fulfilling its obligations and to help run the School properly. We will share your information with them if this is relevant to their work - **LI, PI, SPI**.
28. If you have misbehaved in a serious way, we may need to share information with the police and we may need to use information about the action taken by the police - **LI, LO, PI, SPI, ESP**.
29. 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**.
30. Parents who are based outside of the UK will sometimes appoint someone to act on their behalf during the admissions process (an overseas agent). If this applies to you, your parents may provide information to the overseas agent so that he or she can pass this on to the School. Will sometimes share information with the overseas agent, for example, we may send them the letter telling your parents that we are offering you a place so that they can pass this on to your parents - **LI**.

31. We may share your academic and (where fair) your behaviour records with your parents or education guardian so they can support your schooling - **LI**, **PI**, **SP**.
32. We will monitor your use of email, the internet and mobile electronic devices e.g. iPads. In certain circumstances, we will look at the content of your communications (e.g. emails and text messages). We monitor and look at your use of technology (e.g. your use of your phone) to check that you are not misbehaving at risk of harm or for other good reasons. If you would like more information about this you can read the acceptable use of IT and email policy or speak to your form tutor/Housemaster/Housemistress - **LI**, **PI**, **SP**.
33. We may use photographs or videos of you for the School's website and social media sites or prospectus to show prospective pupils what we do here and to advertise the School. We may continue to use these photographs and videos after you have left the School - **LI**.
34. Sometimes we use photographs and videos for teaching purposes, for example, to record your drama lessons - **LI**.  
If you have concerns about us using photographs or videos of you please speak to your form tutor/Housemaster/Housemistress.
35. We publish our public exam results, sports fixtures 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**.
36. We will keep details of your address when you leave so we can send you the OJ magazine and find out how you are getting on - **LI**.
37. The School must make sure that our computer network is working well and is secure. This may involve information about you, for example, our anti-virus software might scan files containing information about you - **LI**.
38. From time to time, we may use a third party to provide activities such as an external sports coach. We may share your information with them, for example, to tell them what sports you are good at - **LI**, **PI**
39. We may use third-party software for tracking purposes e.g. for boarding activities and minibus routes. **LI**, **PI**.
40. We can keep information about you 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 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:

- a) IT consultants who might access information about you when checking the security of our IT network; and
- b) 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 any of the above, please speak to your form tutor/Housemaster/Housemistress.

### **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 pupils.

### **More than one basis**

As you will see from the information above, in some cases we will rely on more than one basis for a particular use of your information. In addition, we may move from one of the legal bases listed above to another as circumstances change. For example, if we become really worried about your

wellbeing, we may start to rely on "legal obligation" to share personal information with the local authority in addition to the other legal bases which are noted for looking after you.

### **Consent**

We may ask for your consent to use your information in certain ways as an alternative to relying on any of the bases 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 personal information you can take back this consent at any time.

Any use of your information before you withdraw your consent remains valid. Please speak to your form tutor/Housemaster/Housemistress if you would like to withdraw any consent that you have given.

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

We may send your information to other 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 information on computer servers based overseas.

### **For how long do we keep your information?**

We keep your information for as long as we need to in order to educate and look after you. We will keep some information after you have 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 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.

Please ask for our Information and Records Retention Policy for more detailed information about what type of information we hold and the retention period.

### **What decisions can you make about your information?**

Since 25 May 2018 you have been able to make various decisions about your information. Your rights are as follows:

- **Rectification:** if information the School holds about you is incorrect you can ask us to correct it.
- **Access:** you can also ask what information we hold about you 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 you, 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 you in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your 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 you 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 information where:
  - we are using it for direct marketing purposes (e.g. to send you 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 bases for using your 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.

Your form tutor/Housemaster/Housemistress can give you more information about your data protection rights.

### **Requests that cannot be fulfilled**

You should be aware that GDPR rights (including the right of access) are limited to your own personal data, and certain data is exempt. This will include information which identifies other individuals or information which is subject to legal privilege (for example legal advice given to or sought by the school, or documents prepared in connection with a legal action, or where a duty of confidence is owed by a legal adviser).

The school is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers, potentially including in mock exam scripts or other types of exams / tests used to assess performance – although markers' comments may still be disclosable if they constitute pupil personal data). The school is also not required to provide examination or other test marks ahead of their ordinary publication date, nor share any confidential reference held by the school that was (or will be) given for the purposes of the education, training, appointment or employment of any individual.

These exemptions necessarily apply also in the context of teacher-assessed grades, where required in the absence of formal public examinations due to pandemic conditions. Communications from the Deputy Head (Academic) will explain what information will be provided to all relevant pupils, and when, in respect of their grades.

### **Consent to disclose data**

In general, the school will assume that your consent is not required for ordinary disclosure of your personal data to your parents, e.g. for the purposes of keeping parents informed about your activities, progress and behaviour, and in the interests of your welfare. That is unless, in the school's opinion, there is a good reason to do otherwise.

However, where you seek to raise concerns confidentially with a member of staff and expressly withhold your agreement to your personal data being disclosed to your parents, the school may be under an obligation to maintain confidentiality unless, in the school's opinion, there is a good reason to do otherwise; for example where the school believes disclosure will be in your best interests or other pupils, or if required by law.

### **Further information and guidance**

This notice is to explain how we look after your personal information. Your form tutor/ Housemaster/ Housemistress can answer any questions which you might have.

Please speak to the Operations and Compliance Director if:

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

Alternatively, you can ask your parents to speak to us on your behalf if you prefer.

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