

# How We Use Your Information Privacy Notice for Older Students

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Independent School for Boys and Girls

Focus School Gloucester Campus

April 2018



## Introduction

This notice is to help you 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.

If you have any questions about this notice please talk to your Tutor.

The School is affiliated to Focus Learning Trust (the Trust). The School is Focus School - Gloucester Campus of 7 Eastbrook Road, Gloucester GL4 3DB. The School and the Trust work closely together which means that the School and the Trust share a lot of personal information about staff, pupils and parents. References below to "we", "us" and "our" are references to both the School and the Trust. To use data protection terminology, the School and the Trust are each a "controller" of the personal information held about you. Further information on the Trust can be found on its website here: [www.focus-school.com](http://www.focus-school.com)

For more information on how personal information is shared between the School and the Trust, please see the section below "Sharing between the School and the Trust: Further information".

## What is "personal information"?

Personal information is information that we hold 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, unique pupil number and behaviour records. We will also hold information such as your ethnic group for the purposes of school census requirements. 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 33 below.

### Legitimate interests ("L")

This means that we are using your information when this is necessary for our 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, we have 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 our 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 and the Trust 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 buildings 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 students.

#### Legal obligation ("LO")

We 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

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 the Trust; and
- ensuring that we comply with all of our legal obligations.

We 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 ("SP")

We are 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 and the Trust 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 ("SP")

There will be times when we need to use your information because the School is an employer (e.g. the School employs your teachers). Also we will use your information to comply with social protection law (e.g. to look after you) and social security laws.

#### 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 do we collect and use your 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. Our primary reason for using your personal information is to provide you with an education - **LI, PI, SPI**.
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, SPI, SP, MP**.

Enrolment 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 parents, your teachers and other students. Your old school also gives us information about how well you did and any difficulties you had 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 enrolment process e.g. when learning more about you from your parents before you join the School - **LI, PI, SPI**.
4. We need to tell the appropriate teachers if you are allergic to something, have particular dietary requirements or have a health issue - **LI, PI, SPI**.
5. We will need to tell your teachers if you have special educational needs or need extra help with some tasks - **LI, PI, SPI**.
6. We will need to share information about you (e.g. about your health and wellbeing) with the health advisors, school nursing service or counsellors - **LI, PI, SPI, SP, MP**.
7. We use CCTV to make sure the School site is safe, to support learning and to monitor behaviour. CCTV is not used in private areas such as changing rooms - **LI, PI, SPI**.
8. We record your attendance and if you have time away from the School we record the reason(s) why - **LI, PI, SPI**.
9. We will 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, SPI, SP.

10. 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 Student Database. Organisations can request information from the National Student 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-student-database-user-guide-and-supporting-information> - LO, SPI.
11. 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, SPI.
12. The School owner and the Trust are charities 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.
13. 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 students at the School - LI, PI, SPI, SP.
14. Depending on where you will go when you leave us we will provide your information to other schools, colleges, or potential employers]. For example, we will share information about your exam results and provide references - LI, PI, SPI.
15. 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, SP.
16. 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.
17. 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.
18. 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.
19. If someone makes a complaint about how the School or the Trust 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.
20. We may need to share information about you with the police or our legal advisers if something goes wrong or to help with an enquiry. For example, if one of your classmates is injured at School or if there is a burglary - LI, LO, PI, SPI, LC.

21. We use consultants, experts and other advisors to assist the School and the Trust in fulfilling its obligations and to help run the School and Trust properly. We will share your information with them if this is relevant to their work - **LI, PI, SPI**.
22. If you have misbehaved in a serious way, and the police have become involved, we will need to use information about the action taken by the police - **LI, LO, PI, SPI, SP**.
23. 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**.
24. We will share your academic and (where fair) your behaviour records with your parents or education guardian so they can support your schooling - **LI, PI, SPI**.
25. We will monitor your use of email, the internet and mobile electronic devices e.g. laptops. This monitoring is sometimes carried out using computer software. In certain circumstances we will look at the content of your communications (e.g. emails and forums on canvas). We monitor and look at your use of technology (e.g. your use of your laptop) to check that you and your classmates 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 agreement or speak to your Tutor - **LI, PI, SPI**.
26. We may use photographs or videos of you for our website and social media sites or prospectus to show prospective students 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**.
27. Sometimes we use photographs and videos for teaching purposes, for example, to record a lesson - **LI**.  
  
If you have concerns about us using photographs or videos of you please speak to your Tutor.
28. We publish our public exam results 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**.
29. We may also pass your details onto postgraduate coordinators linked to the School to help you make choices about courses you may study when you leave School. Further information on postgraduate courses can be found here: <http://postgraduate.focus-school.com/> - **LI, PI**.
30. We 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**.
31. We may share your information with the other Focus Schools where you may access lessons by zoom. For example, how well you have behaved and your test results - **LI, PI, SPI**.
32. 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:

- IT consultants who might access information about you when checking the security of our IT network;
- Training and course providers;
- Online services, software and apps which we use to assess pupil progress and to help make teaching better (for example which help us set homework and make it easier to provide learning resources to pupils);
- Services that help us with our administration;
- Online video platforms so that we can live stream lessons, and allow pupils at different Focus schools to communicate and interact; and
- 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 Tutor.

### **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 students.

### **More than one basis**

As you will see from the table above, in some cases we will rely on more than one basis for a particular use of your information. For example we will rely on legitimate interests and public interest bases when using your information to look after you and your classmates and when providing you with an education.

The basis that we will rely on for a particular purpose may vary depending on the circumstances. For example, if we decide to tell the local authority something about a student because we are worried about their welfare, sometimes this will be because we have a legal obligation to do so but on other occasions we may tell the local authority because we are worried about the student even if we don't have a legal obligation to report something (in which case we would be relying on legitimate interests and public interests).

### **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 Tutor if you would like to withdraw any consent that you have given.

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

We may send your information to 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 cloud computer storage based overseas; and
- share your information with other schools in the Focus and OneSchool network. For example, if you have done especially well then we may tell our other schools about your achievement.

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en)

If the country that we are sending your information to is not on the list, or is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland), then it might not have the same level of protection for personal information as there is in the UK.

We will provide you with details about the safeguards which we have in place outside of this privacy notice. If you have any questions about the safeguards that are in place please contact the Data Protection Lead.

### **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.

The table below shows for how long we keep different types of information about you.

<b>Type of information</b>	<b>Retention period or the criteria used to determine the retention period</b>
Admission and attendance registers	3 years from date of last entry
Child protection records	32 years after you leave school at age 18
Medical, SEND & counselling records	6 years after you leave school at age 18
Student files including exam records	6 years after you leave school at age 18



## Sharing between the School and the Trust: Further information

As set out in the Introduction, this Notice covers how both the School and the Trust handle your personal information. This section contains more information about how and why personal information is shared between the School and the Trust:

- The Trust helps the School with all aspects of the School's operations, this includes to help the School to maintain its high standards and to improve. This means that the School and the Trust share your personal information in connection with any of the purposes described in this Notice. For example:
  - The Trust may be involved in assessing an application for a student to join the School.
  - The School and the Trust work together to analyse each student's exam and assessment results so that the best possible education can be provided to the student concerned and also to improve the School more generally.
  - To enable the Trust to provide advice and support should there be an area where the School needed to improve.
- The Trust provides general administration and back-office support for itself and the School. This means that student information is held in a database managed by the Trust. It also means that you may deal direct with the Trust if you had to report an IT problem, for example.
- The Trust uses Regional Principals to help the School improve. Regional Principals will have access to all information held at School level where they need that information for this purpose. Regional Principals are acting on behalf of the Trust, so the Trust is ultimately responsible for making sure that a Regional Principal complies with data protection law.
- The Trust helps to organise events and functions. For example, a parent and student open day or a staff recruitment seminar.

## What decisions can you make about your information?

From 25 May 2018 you will be able to make various decisions about your information. Some of these are new rights whilst others build on your existing rights. Your rights are as follows:

- **Rectification:** if information 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 Tutor can help you find more information about your data protection rights.

### **Further information and guidance**

This notice is to explain how we look after your personal information. Your Tutor or Data Protection Lead can answer any questions which you might have.

Please speak to your Tutor 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.

The Data Protection Lead is in charge of our data protection compliance. You can ask your Tutor to speak to the Data Protection Lead or speak to the Data Protection Lead yourself. 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)