Data Protection Policy

1. Background

1.1. Reed's School is a registered educational charity based in Cobham, charity number 312008; Ripley Court School is part of Reed's School and collectively through this policy they are referred to as "the School". Data protection is an important legal compliance issue for the School. During the course of the School's activities it collects, stores and processes personal data (sometimes sensitive in nature) about staff, pupils, their parents, its contractors and other third parties in a manner more fully detailed in the School's various Privacy Notices. The School, as "data controller", is liable for the actions of its staff and governors in how they handle data. It is therefore an area where all staff have a part to play in ensuring the School complies with and is mindful of its legal obligations, whether that personal data handling is sensitive or routine.

1.2. UK data protection law consists primarily of the UK version of the General Data Protection Regulation (the "UK GDPR") and the Data Protection Act 2018 ("DPA 2018"). The DPA 2018 includes specific provisions of relevance to independent schools: in particular, in the context of the School's safeguarding obligations, and regarding the right of access to personal data.

1.3. Data protection law has in recent years strengthened the rights of individuals and placed tougher compliance obligations on organisations including schools that handle personal information. The Information Commissioner's Office (ICO) is responsible for enforcing data protection law and will typically look into individuals' complaints routinely and without cost, and has various powers to take action for breaches of the law.

2. Definitions

2.1. Key data protection terms used in this data protection policy are:

- Data controller – a person or body that determines the purpose and means of the processing of personal data, and who is legally responsible for how it is used. For example, the School (including by its governors) is a controller. An independent contractor who makes their own such decisions is also, separately, likely to be a data controller.
- Data processor – an organisation that processes personal data on behalf of a data controller, for example a payroll or IT provider or other supplier of services with whom personal data may be shared but who is not authorised to make any decisions about how it is used.
- Personal data breach – a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

- Personal information (or 'personal data'): any information relating to a living individual (a data subject) by which that individual may be identified by the controller. That is not simply a name but any form of identifier, digital or contextual, including unique ID numbers, initials, job titles or nicknames. Note that personal information will be created almost constantly in the ordinary course of work duties (such as in emails, notes of calls, and minutes of meetings). The definition includes expressions of opinion about the individual or any indication of the School's, or any person's, intentions towards that individual.
- Processing – virtually anything done with personal information, including obtaining or collecting it, structuring it, analysing it, storing it, sharing it internally or with third parties (including making it available to be viewed electronically or otherwise), altering it or deleting it.
- Special categories of personal data – data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health and medical conditions, sex life or sexual orientation, genetic or biometric data used to identify an individual. There are also separate rules for the processing of personal data relating to criminal convictions and offences.

3. Application of this policy

3.1. This policy sets out the School's expectations and procedures with respect to processing any personal data we collect from data subjects (including parents, pupils, employees, contractors and third parties).

3.2. Those who handle personal data as employees or governors of the School are obliged to comply with this policy when doing so. For employees, breaches of this policy may result in disciplinary action. Accidental breaches of the law or this policy in handling personal data will happen from time to time, for example by human error, and will not always be treated as a disciplinary issue. However, failure to report breaches that pose significant risks to the School or individuals will be considered a serious matter.

3.3. In addition, this policy represents the standard of compliance expected of those who handle the School's personal data as contractors, whether they are acting as "data processors" on the School's behalf (in which case they will be subject to binding contractual terms) or as data controllers responsible for handling such personal data in their own right.

3.4. Where the School shares personal data with third party data controllers – which may range from other schools, to parents, to appropriate authorities, to casual workers and volunteers – each party will need a lawful basis to process that personal data, and will be expected to do so lawfully and with due regard to security and confidentiality, as set out in this policy.

3.5. Volunteers, self-employed workers and contractors are data controllers in their own right, but the same legal regime and best practice standards set out in this policy will apply to them by law.

4. Person responsible for Data Protection at the School

4.1. Reed's School has appointed Susie Lacey as the Privacy Officer (data protection lead) who will endeavour to ensure that all personal data is processed in compliance with this Policy and the principles of applicable data protection legislation. At Ripley Court, the School has appointed Rachel Tipping as the Data Protection Coordinator who will use their reasonable

endeavours, in conjunction with the senior management team at Ripley Court and the Privacy Officer at Reed's, to ensure that all personal data is processed in compliance with this Policy and the principles of applicable data protection legislation. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the Privacy Officer at Reed's School, privacyofficer@reeds.surrey.sch.uk or the Data Protection Coordinator for Ripley Court, support@ripleycourt.co.uk.

5. The Principles

5.1. The UK GDPR sets out six principles relating to the processing of personal data which must be adhered to by data controllers (and data processors). These require that personal data must be:

1. Processed lawfully, fairly and in a transparent manner;
2. Collected for specific and explicit purposes and only for the purposes it was collected for;
3. Relevant and limited to what is necessary for the purposes it is processed;
4. Accurate and kept up to date;
5. Kept for no longer than is necessary for the purposes for which it is processed; and
6. Processed in a manner that ensures appropriate security of the personal data.

5.2. The UK GDPR's broader 'accountability' principle also requires that the School not only processes personal data in a fair and legal manner but are also able to demonstrate that the processing is lawful. This involves, among other things:

- keeping records of data processing activities, including by way of logs and policies;
- documenting significant decisions and assessments about how personal data is used (including via formal risk assessment documents called Data Protection Impact Assessments); and
- generally having an 'audit trail' vis-à-vis data protection and privacy matters, including for example when and how Privacy Notice(s) were updated; when staff training was undertaken; how and when any data protection consents were collected from individuals; how personal data breaches were dealt with, whether or not reported (and to whom), etc.

6. Lawful grounds for data processing

6.1. Under the UK GDPR there are several different lawful grounds for processing personal data. One of these is consent. However, given the relatively high bar of what constitutes consent under the UK GDPR (and the fact that it can be withdrawn by the data subject) it is considered preferable for the School to rely on another lawful ground where possible.

6.2. One of these alternative grounds is 'legitimate interests', which is the most flexible basis for processing. However, it does require transparency and a balancing assessment between the rights of the individual and the interests of the School. It can be challenged by data subjects and also means the School is taking on extra responsibility for considering and protecting people's rights and interests. The School's legitimate interests are set out in its Privacy Notices, as the UK GDPR requires.

6.3. Other lawful grounds include:

- compliance with a legal obligation, including in connection with employment, engagement of services and diversity;
- contractual necessity, e.g. to perform a contract with staff or parents, or the engagement of contractors;
- a narrower set of grounds for processing special categories of personal data (such as health information), which includes explicit consent, emergencies, and specific public interest grounds.

7. Headline responsibilities of all staff

7.1. Record-keeping

7.1.1. It is important that personal data held by the School is accurate, fair and adequate. Staff are required to inform the School if they believe that any personal data is inaccurate or untrue or if they are dissatisfied with how it is recorded. This applies to how staff record their own data, and the personal data of others – in particular colleagues, pupils and their parents – in a way that is professional and appropriate.

7.1.2. Staff should be aware of the rights set out below, whereby any individuals about whom they record information on School business (notably in emails and notes) digitally or in hard copy files may have the right to see that information. This absolutely must not discourage staff from recording necessary and sometimes difficult records of incidents or conversations involving colleagues or pupils, in accordance with the School's other policies, and grounds may sometimes exist to withhold these from such requests. However, the starting position for staff is to record every document or email in a form they would be prepared to stand by should the person about whom it was recorded ask to see it.

7.2. Data handling

7.2.1. All staff have a responsibility to handle the personal data which they come into contact with fairly, lawfully, responsibly and securely and in accordance with the Staff Code of Conduct and all relevant School policies and procedures (to the extent applicable to them). In particular, there are data protection implications across a number of areas of the School's wider responsibilities such as safeguarding and IT security, so all staff should read and comply with the following policies:

- IT Acceptable Use
- Taking, Storing & Using of Images of Children
- Safeguarding & Child Protection
- Online Safety
- CCTV
- Privacy Notices
- Table of Retention Periods for Data

7.2.2. Responsible processing also extends to the creation and generation of new personal data / records, as above, which should always be done fairly, lawfully, responsibly and securely.

7.3. Avoiding, mitigating and reporting data breaches

7.3.1. One of the key obligations contained in the UK GDPR is on reporting personal data breaches. Data controllers must report certain types of personal data breach (those which risk an impact to individuals) to the ICO within 72 hours.

7.3.2. In addition, data controllers must notify individuals affected if the breach is likely to result in a "high risk" to their rights and freedoms. In any event, the School must keep a record of any personal data breaches, regardless of whether there is a need to notify the ICO. If staff become aware of a personal data breach they must notify either the Privacy Officer at Reed's (Susie Lacey) or the Data Protection Coordinator at Ripley Court (Rachel Tipping). If staff are in any doubt as to whether to report something internally, it is always best to do so. A personal data breach may be serious, or it may be minor; and it may involve fault or not; but the School always needs to know about them to make a decision. The School's Data Breach Policy should be referred to for a greater understanding of data breaches; what constitutes a data breach, what to do when they occur and how they are recorded within the School's Data Breach Log.

7.3.3. As stated above, the School may not need to treat the incident itself as a disciplinary matter – but a failure to report could result in significant exposure for the School, and for those affected, and could be a serious disciplinary matter whether under this policy or the applicable staff member's contract.

7.4. Care and data security

7.4.1. More generally, the School requires all staff (and expects all its contractors and self-employed staff) to remain mindful of the data protection principles (see section 3 above), and to use their best efforts to comply with those principles whenever they process personal information. Data security is not simply an online or digital issue but one that effects daily processes: filing and sending correspondence, notably hard copy documents. Data handlers should always consider what the most assured and secure means of delivery is, and what the consequences would be of loss or unauthorised access.

7.4.2. The School expects all those with management/leadership responsibilities to be particular champions of these principles and to oversee the swift reporting of any concerns about how personal information is used by the School to the Privacy Officer at Reed's or the Data Protection Coordinator at Ripley Court, and to identity the need for (and implement) regular staff training. Staff must attend any training the School requires them to.

7.5. Use of third party platforms / suppliers

7.5.1. As noted above, where a third party is processing personal data on the School's behalf it is likely to be a data 'processor', and this engagement must be subject to appropriate due diligence and contractual arrangements (as required by the UK GDPR). It may also be necessary to complete a DPIA before proceeding – particularly if the platform or software involves any sort of novel or high risk form of processing (including any use of artificial intelligence ("AI" technology). Any request to engage a third party supplier should be referred to the Privacy Officer in the first instance, and at as early as stage as possible.

8. Rights of Individuals

8.1. In addition to the School's responsibilities when processing personal data, individuals have certain specific rights, perhaps most significantly that of access to their personal data held by a data controller (i.e. the School). This is known as the 'subject access right' (or the right to make 'subject access requests'). Such a request must be dealt with promptly and does not need any formality, nor to refer to the correct legislation. If a member of staff, contractor or self-employed worker becomes aware of a subject access request (or indeed any communication from an individual about their personal data), they must tell the Privacy Officer (Reed's)/Data Protection Coordinator (Ripley Court) as soon as possible.

8.2. Individuals also have legal rights to:

- require the School to correct the personal data it holds about them if it is inaccurate;
- request that the School erase their personal data (in certain circumstances);
- request that the School restricts its data processing activities (in certain circumstances);
- receive from the School the personal data it holds about them for the purpose of transmitting it in a commonly used format to another data controller; and
- object, on grounds relating to their particular situation, to any of the School's particular processing activities where the individual feels this has a disproportionate impact on them.

8.3. None of the above rights for individuals are unqualified and exceptions may well apply. However, certain rights are absolute and must be respected, specifically the right to:

- object to automated individual decision-making, including profiling (i.e. where a significant decision is made about the individual without human intervention);
- object to direct marketing; and
- withdraw one's consent where the School is relying on it for processing their personal data (without affecting the lawfulness of processing carried out prior to that point in reliance on consent, or of any processing carried out on some other legal basis other than consent).

8.4. In any event, however, if a member of staff, contractor or self-employed worker, receives a request from an individual who is purporting to exercise one or more of their data protection rights, the staff, contractor or self-employed worker must tell the Privacy Officer (Reed's)/Data Protection Coordinator (Ripley Court) as soon as possible.

9. Data Security: paper and digital

9.1. The School must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

- No member of staff is permitted to remove personal data from School premises, whether in paper or electronic form, unless it is inherent to normal practice and part of their everyday role and sensible measures are taken to ensure data privacy.
- Use of Office 365 and other approved online software for which staff have school logins is encouraged to enable secure working with data whilst away from the School site.
- Use of personal email accounts for official School business is not permitted.

- Use of personal devices without password protection or encryption is not permitted for official School business.
- No member of staff should provide personal data of others (pupils, parents or staff) to third parties, including a volunteer or contractor, unless there is a lawful reason to do so. If in doubt, this should be checked with the Privacy Officer/Data Protection Coordinator.
- Staff must discuss with the Privacy Officer/Data Protection Coordinator any new software under consideration for use within the school if it involves personal data of students, parents or staff.
- Staff must consider where personal data is stored, both paper and digital, to ensure that only those individuals who have a valid need for the data have access.
- Staff must take care not to share personal data by mistake, e.g. by use of classroom screens; leaving papers containing personal data on desks or in any unsecured area.
- Similarly, staff must check emails carefully to ensure that they are being sent to the intended recipient; that BCC is used if emailing a group of parents; that any file attachments/links included or content in the email are as intended and appropriate to be shared with the recipient(s).
- If a data breach does occur, staff must inform the Privacy Officer/Data Protection Coordinator immediately.
- Once no longer needed, records containing personal data must be securely destroyed/deleted; paper records by shredding; digital records by complete deletion (e.g. emptying the Deleted folder).

10. Processing of Financial / Credit Card Data

10.1. The School complies with the requirements of the PCI Data Security Standard (PCI DSS). Staff who are required to process credit card data must ensure that they are aware of and comply with the most up to date PCI DSS requirements. Staff who require further guidance should contact the Director of Finance. Other categories of financial information, including bank details and salary, or information commonly used in identity theft (such as national insurance numbers or passport details) may not be treated as legally sensitive but can have material impact on individuals and should be handled accordingly.

11. Summary

11.1. It is in everyone's interests to get data protection right and to think carefully about data protection issues: this means handling all personal information with which staff come into contact fairly, lawfully, securely and responsibly.

11.2. A good rule of thumb here is for the individual to ask themself questions such as:

- Would I be happy if my own personal information were being used (for example, shared with a third party) in the way I am proposing? Would I expect it?
- Would I wish to stand by how I have recorded this information in an email or official record if the person concerned was able to see it?
- What would be the consequences of my losing or misdirecting this personal data?

11.3. Data protection law is, therefore, best seen not as oppressive red tape, or a reason not to do something necessary or important, but a code of useful and sensible checks and balances to improve how to handle and record personal information and manage the School's relationships with people. This is an important part of the School's culture and all its staff and representatives need to be mindful of it.

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