

# PRIVACY NOTICE

## Who we are

This Privacy Notice is provided under the General Data Protection Regulation (GDPR) and UK Data Protection Act on behalf of The John Lyon School, Middle Road, Harrow on the Hill, HA2 0HN (Registered Charity Number 310033), and serves to inform all those on whom we hold or process data. This includes:

- Prospective Pupils and their Parents who have applied for entry to the School;
- Current Pupils;
- Former Pupils;
- Parents of Current and Former Pupils;
- Prospective, Current and Former members of Staff;
- Service providers, working for or on behalf of the School, and suppliers.

## What this privacy notice (PN) is for

This PN is intended to provide information about how the School will use (or "process") personal data about individuals including: its staff; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "Parents").

This information is provided because Data protection law gives individuals rights to understand how their data is used. Staff, Parents and Pupils are all encouraged to read this PN and understand the School's obligations to its entire community.

This **PN** applies alongside any other information the School may provide about a particular use of personal data, for example when collecting data online or in paper form.

This **PN** applies in addition to the School's other relevant terms and conditions and policies, including:

- the Parent Contract;
- the School's Data Protection Policy;
- the School's Photographic Images Policy;
- the School's CCTV Policy;
- the School's Data Asset Register, which informs the retention of records;
- the School's Safeguarding and Child Protection Policy, Health and Safety Policies, and other procedures regarding how concerns or incidents are recorded; and
- the School's suite of ICT Policies, including its Pupil, Staff and Visitor Acceptable Use Policies, Online Safety Policy, Bring Your Own Device guidance and Personal Data Handling Policy.

Anyone who works for, or acts on behalf of, the School (including staff, volunteers, governors and service providers and suppliers) should also be aware of and comply with this PN and other

policies regarding data protection, which also provide further information about how personal data about those individuals will be used.

### **Responsibility for data protection**

The School is a **Data Controller** and is responsible for determining how personal data is processed and for what purpose.

The School has appointed the Bursar as Privacy Officer, who is the person responsible for managing how we look after personal data and deciding how it is shared.

The Privacy Officer will respond to all your requests and enquiries concerning the School's use of your personal data and endeavour to ensure that all personal data is processed in compliance with this PN, the School's Data Protection Policy and data protection law.

### **Why the School needs to process personal data**

In order to carry out its ordinary duties to staff, pupils and Parents, the School needs to process a wide range of personal data about individuals (including current, past and prospective staff, pupils or Parents) as part of its daily operation.

Some of this activity the School will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or Parents of its pupils.

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.

The School expects that the following uses will fall within the category of its "**legitimate interests**":

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their Parents);
- 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;
- For the purposes of bursary awards;
- To maintain relationships with alumni and the School community, including direct marketing or fundraising activity;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax, diversity or gender pay gap analysis);
- To enable relevant authorities to monitor the School'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 the School's IT and communications systems in accordance with the School's ICT Acceptable Use Policy;
- To make use of photographic images of pupils in school publications, on the School website and (where appropriate) on the School's social media channels in accordance with the School's Photographic Images Policy;
- For security purposes, including CCTV in accordance with the School's CCTV Policy;
- To enable the processing and paying of invoices from service providers and suppliers;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School.

### **Special category personal data**

In addition, the School will on occasion need to process special category personal data (concerning health, gender, ethnicity, religion, biometrics or sexual orientation) 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 will 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 or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with the police or social services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs;
- To provide educational services in the context of any special educational needs (SEN) of a pupil;
- To provide the appropriate community support in the context of any religious beliefs;
- In connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans;
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; 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 the School**

This will include by way of example:

- names, addresses, telephone numbers, email addresses and other contact details;
- car details (about those who use our car parking facilities or who park in the local area);

- bank details and other financial information, e.g. about Parents who pay fees to the School;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academic records, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the School about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning staff, pupils and Parents past and present; and
- images of pupils (and occasionally other individuals) engaging in school activities, and images captured by the School's CCTV system (in accordance with the School's policy on taking, storing and using images of children);

### How the School collects data

Generally, the School 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 will 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 with whom the School shares it

Occasionally, the School will need to share personal information relating to its community with third parties, such as:

- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- government authorities (e.g. HMRC, [DfE](#), the police or the local authority); and
- appropriate regulatory bodies (e.g. [TRA](#), the [Independent Schools Inspectorate](#), the Charity Commission or the Information Commissioner).

For the most part, personal data collected by the School will remain within the School, 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, held and accessed only by the appropriate medical staff or under their supervision, or otherwise in accordance with express consent; and
- pastoral or safeguarding files.

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.

Staff, pupils and Parents are reminded that the School is under duties imposed by law and statutory guidance (including [Keeping Children Safe in Education](#)) 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 is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or the police. For further information about this, please view the School's Safeguarding and Child Protection Policy.

The School keeps records of safeguarding concerns. These paper records are kept sealed, with access limited to the Head and the Designated Safeguarding Lead (DSL) and only kept after a child leaves School if there is a legal need to do so; otherwise they are destroyed.

Finally, in accordance with data protection law, some of the School's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is in accordance with data protection law and always subject to contractual assurances that personal data will be kept securely and only in accordance with the School's specific directions.

### **How long personal data is kept**

The School 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 pupil files is up to seven years following departure from the School aged 18, and therefore the School takes this to be the end of the academic year in which the former pupil turns 25 years of age. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. Staff files are kept in perpetuity.

If you are a Parent, current pupil or member of staff and you have any specific queries about how our retention schedule is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Deputy Head, Mr Jonathan Pepperman ([JOP@johnlyon.org](mailto:JOP@johnlyon.org)).

If you are a former pupil, former member of staff or a governor and you have any specific queries about how our retention schedule is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Bursar, Mr Michael Gibson ([Michael.Gibson@johnlyon.org](mailto:Michael.Gibson@johnlyon.org)).

However, please bear in mind that the School will often have lawful and necessary reasons to hold on to some personal data even following such a request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

### **Keeping in touch and supporting the School**

The School, and for former pupils, the Lyonian Association, will use the contact details of Parents, alumni and other members of the School community to keep them updated about the activities of the School, or alumni and parent events of interest, by sending updates and newsletters, by email and post. Unless the relevant individual objects, the School will also:

- Contact Parents and/or alumni by post, email and social media contacts provided in order to promote and raise funds for the School and, where appropriate, other worthy causes;
- Collect information from publicly available sources about Parents' and former pupils' occupation and activities, in order to maximise the School's fundraising potential.

Should you wish to limit or object to any such use, or if you would like further information about them, please contact the Bursar, Mr Michael Gibson ([Michael.Gibson@johnlyon.org](mailto:Michael.Gibson@johnlyon.org)) in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the School is nonetheless likely 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

### Rights of access

Individuals have various rights under data protection law to access and understand personal data about them held by the School, and in some cases ask for it to be erased or amended or have it transferred to others, or for the [School 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 Bursar, Mr Michael Gibson ([Michael.Gibson@johnlyon.org](mailto:Michael.Gibson@johnlyon.org)).

The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time limits (one month in the case of requests for access to information).

The School will be better able to respond quickly to smaller, targeted requests for information and in some cases will ask for further detail from those making a request, to see if the process can be simplified and therefore processed more quickly. If the request for information is manifestly excessive or similar to previous requests, the School may ask you to reconsider, or require a proportionate fee (but only where data protection law allows it).

### Requests to Stop Processing Data

Under the GDPR, you can object to the School processing your data altogether, in relation to a particular purpose or in a particular way by contacting the Privacy Officer. However, this only applies to certain processing activities and there is a process that you must follow when making such an objection. We must then give you written notice that either we have complied with your request, intend to comply with it or state the extent to which we will comply with it and why. This information will be given to you within 21 days of the School receiving the initial request. Further information on this can be found at <https://ico.org.uk/your-data-matters/the-right-to-object-to-the-use-of-your-data/>

### Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information that identifies other individuals (and Parents need to be aware this may include their own children, in certain limited situations – please see further below), or information that 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).

The School is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), nor provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the School itself for the purposes of the education, training or employment of any individual.

You may have heard of the "right to be forgotten". However, we will sometimes have compelling reasons to refuse specific requests to amend, delete or stop processing your (or your child's) personal data: for example, a legal requirement, or where it falls within a legitimate interest identified in this PN. All such requests will be considered on their own merits.

### Pupil requests

Pupils can make Subject Access Requests (requests to access data held about them) for their own personal data, provided that, in the reasonable opinion of the School, they have sufficient maturity to understand the request they are making (see section [Whose Rights?](#) below). A pupil of any age may ask a Parent to make a subject access request on their behalf.

Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the law still considers the information in question to be the child's: for older pupils, the Parent making the request may need to evidence their child's authority for the specific request.

Pupils in Year 9 and above are generally 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. In some cases, slightly younger children may be deemed by the School to be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

### Parental requests, etc.

It should be clearly understood that the rules on subject access are not the sole basis on which information requests are handled. Parents may not have a statutory right to information, but they and others will often have a legitimate interest or expectation in receiving certain information about pupils without their consent. The School may consider there are lawful grounds for sharing with or without reference to that pupil.

Parents will in general receive educational and pastoral updates about their children. Where Parents are separated, the School will in most cases aim to provide the same information to each person with parental responsibility, but may need to factor in all the circumstances including the express wishes of the child.

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

## Consent

Where the School 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). Examples where we do rely on consent are for certain types of use of photographic images or for certain types of fundraising activity. Please be aware however that the School may not be relying on consent but have another lawful reason to process the personal data in question even without your consent.

That reason will usually have been asserted under this PN, 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 has been requested).

## Whose rights?

The rights under data protection law belong to the individual to whom the data relates. However, the School will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils – for example, under the Parent Contract, or via a form. Parents and pupils should be aware that this is not necessarily the same as the School relying on strict consent (see section on [Consent](#) above).

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the pupil's age and understanding – to seek 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, the School 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. That is unless, in the School'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, 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 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 the School's Pupil Acceptable Use Policy and the School Rules and Regulations. Staff are under professional duty to do the same covered by the relevant Staff AUP and Code of Conduct and other relevant policies.

## DATA ACCURACY AND SECURITY

The School 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 the Bursar, Mr Michael Gibson ([Michael.Gibson@johnlyon.org](mailto:Michael.Gibson@johnlyon.org)) of any significant changes to important information, such as contact details, held about them.



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 the School may need to process your data, and whom you may contact if you disagree.

The School 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 school systems. All staff and governors will be made aware of these policies and their duties under data protection law and receive relevant training.

## THIS POLICY

The School will update this PN from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

## THE LAW

The law on the matter of data protection that this notice covers can be found in:

- The General Data Protection Regulation (EU 2016.679)
- UK Data Protection Act (2018)

as well as other supporting legislation.

## QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the Bursar, Mr Michael Gibson using the following contact details: [Michael.Gibson@johnlyon.org](mailto:Michael.Gibson@johnlyon.org) or in writing by post to Mr Michael Gibson, The John Lyon School, Middle Road, Harrow on the Hill, HA2 0HR.

If an individual believes that the School has not complied with this policy or acted otherwise than in accordance with Data protection law, they should utilise the School's [Complaints Procedure for Parents](#) and should also notify the Head, Miss Katherine Haynes ([Head@johnlyon.org](mailto:Head@johnlyon.org)).

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 with the School before involving the regulator. [Information for the public is available from the ICO.](#)