



# PRIVACY NOTICE

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## WHO WE ARE

Chelsea Independent College (CIC) is an independent day and boarding college for students aged 14 to 19, located in Chelsea and Fulham, 517 – 423 Fulham Road, London, SW6 1HD. Boarders of CIC reside at Princess Beatrice House, Finborough Road, SW10 9BA.

This Privacy Notice applies to Chelsea Independent College (the School) and by association to Astrum Education: there are several school activities which are centralised within Astrum Education (namely admissions, staff recruitment, sales & marketing, and finance) and therefore this Privacy Notice extends also to these activities since the two companies are closely linked in both data sharing practices and the perceptions of data subjects<sup>1</sup>.

Astrum Education Ltd is the Data Controller for the purposes of the relevant legislation regarding Data Protection Law<sup>2</sup>. Astrum Education is a Private Limited Company, no: 08058545, registered to 201a 10 Greycoat Place, London, SW1P 1SB.

## WHO THIS POLICY APPLIES TO

This notice applies to staff (including temporary staff, agency workers, volunteers and all other people when working in or for the School), governors, current, past and prospective pupils and their parents, carers or guardians. It also applies to visitors to the School who may supply us with their personal data (eg when attending events or open days). We also have a summary notice for pupils.

## WHAT THIS PRIVACY NOTICE IS FOR

This policy 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 Privacy Notice and understand the school's obligations to its entire community. Pupils are supplied with a copy of the summary notice.

This Privacy Notice applies alongside any other information the school may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This Privacy Notice also applies in addition to the school's other relevant terms and conditions and policies, including:

- Terms and Conditions of the Parent Contract;
- the school's record retention procedures;
- the school's safeguarding, pastoral or health and safety policies (including CCTV), including as to how concerns or incidents are recorded and;
- the school's IT policies, including Acceptable Use, eSafety, and Cyber Safety

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<sup>1</sup> Data Subjects: means any living individuals whose data the Data Controller processes

<sup>2</sup> By 25 May 2018, the relevant legislation is likely to include both the [General Data Protection Regulation](#) (EU 2016/679) and the [UK Data Protection Act 2018](#).

Anyone who works for, or acts on behalf of, the school (including staff, volunteers, governors and service providers) should also be aware of and comply with the school's data protection policy for staff, which also provides further information about how personal data about those individuals will be used.

## **RESPONSIBILITY FOR DATA PROTECTION**

Mr Enio Fernandes, ICT/Computing Teacher is the nominated officer or 'Data Champion' at Chelsea Independent College who works on behalf of the Data Controller to will deal with all your requests and enquiries concerning the school's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

The Data Champion reports to the Executive Principal who in turn reports at Governing Body level on data protection.

## **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 following processing is carried out to fulfil our obligations and we also expect these purposes to form our legitimate interests:

- For the purposes of pupil selection and admissions (and to confirm the identity of prospective pupils and their parents) including assessing eligibility for scholarship and means tested bursary awards;
- Providing educational services to our pupils including the administration of curricular and co-curricular activities, monitoring progress, processing entries for public examinations and other assessments, publishing those results and other pupil achievements, reporting and storing examination and assessment results, assessing educational needs. Reporting to parents on their child's progress (this includes reporting to agents/consultants who represent some families during the application process and in many cases on an ongoing basis throughout the pupil's education with us.)
- Providing other services to pupils including higher education applications and providing careers advice, administering IT systems in accordance with our e-safety and Acceptable Use policies, administering school trips, providing resources (library and online), giving and receiving references for current, past and prospective pupils.
- For the purposes of fulfilling our duties as an employer including for the recruitment of staff, volunteers and contractors, conducting appropriate safeguarding checks as required by law, payroll and pension processing, keeping records of other staff matters including that relating grievances and disciplinaries, and providing and receiving references.

- 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 and census returns); to enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate; (eg recording accidents in accordance with our health and safety policies) keeping records for insurance purposes or to obtain appropriate professional advice, keeping financial information to process invoices, fee accounts and manage debtors, compiling information for inspection by Ofsted or the Independent Schools Inspectorate, and for commercial operations
- Safeguarding our pupils and providing pastoral support including recording concerns and incidences of bullying, monitoring use of the internet (and email if required) in accordance with our e-safety policy, and keeping records of pastoral support given.
- Promoting the aims and achievements of the School through our website, publications, our social media platforms and sometimes in the media. This includes using images (and videos) of our pupils.
- To ensure our premises are secure including operating CCTV around our site and recording details of our visitors including taking and storing photographic images.

In addition, the School will on occasion need to process **special category personal data** (concerning health, ethnicity, religion, biometrics or sexual life/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 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 of a pupil;
- To monitor the effectiveness of our equal opportunities policy
- In connection with employment of its staff, for example DBS checks, welfare, medical information, 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, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about parents who pay fees to the school; to pay staff and other workers, and for the purposes of assessing means tested financial assistance

- 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 academics, 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.

## **HOW THE SCHOOL COLLECTS DATA**

In most cases, 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);

In accordance with statutory recommendations we use internet monitoring software for pupils to monitor access to unsuitable content. We do not routinely monitor email or staff internet use but may do so as part of an investigation. Please refer to our IT Acceptable Use policies and e-safety policy on the school website.

## **WHO HAS ACCESS TO PERSONAL DATA AND WHO THE SCHOOL SHARES IT WITH**

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 to be held and accessed only by the school Nurse Director and appropriate medical staff (e.g. the school doctor) under her supervision, or otherwise in accordance with express consent; and
- confidential pastoral records held by the Vice Principal
- confidential safeguarding records held by the site-based DSL

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, police or the local authority); and
- appropriate regulatory bodies e.g. ISI, Ofsted, Home Office (UK Visas and Immigration), HMRC, Pension providers, The Information Commissioner

In addition the school has data sharing arrangements with other third parties:

- EduCare: for the provision of online training for staff
- ADP: For purposes of payroll
- External caterers - currently Holroyd Howe - for notification of staff/pupil food intolerances and allergies
- School uniform suppliers (for pupil size and fittings)
- Some overseas trip companies (for overnight accommodation and medical health matters)

Pupil personal data will be shared with awarding bodies for the purpose of examining and awarding qualifications. Awarding bodies in turn may be required to provide our pupils' personal data to educational agencies such as the DfE, Local Authorities and UCAS. This data may also be used for statistical and policy development purposes.

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 police. For further information about this, please view the school's Safeguarding Policy.

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 always subject to contractual assurances that personal data will be kept securely and only in accordance with the school's specific directions.

## **HOW LONG WE KEEP PERSONAL DATA**

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 staff and pupil personnel files is up to 7 years following departure from the school. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements.

If you have any specific queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Data Champion, Enio Fernandes, by email: eniofernandes@cic.ac Please bear in mind that the school will often have lawful and necessary reasons to hold on to some personal data even following such request.

A 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 currently has no parent association, alumnae group or development office.

## YOUR RIGHTS

- Rights of access.

Individuals have various rights 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 Data Champion by email: eniofernandes@cic.ac

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 (which is 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. 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 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 which 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 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).

The school is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), 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 Privacy Notice. All such requests will be considered on their own merits.

- Pupil requests

Pupils can make subject access requests 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 or other representative to make a subject access request on his/her 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.

We expect our pupils in the sixth form, and to some extent pupils above year 9 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.

- 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, in accordance with the Parent Contract. 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 (refer to levels of maturity re Pupil Requests (page 8)).

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 the certain use of images (e.g. if we wish to publish in the press) or for attending school trips. 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 Privacy Notice, or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods, services or membership).

- 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 ICT Code of Conduct and E-Safety Policy. Staff are expected to comply with the ICT Acceptable Use Policy.

## **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 Enio Fernandes, Data Champion, 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 or 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, of who 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 this policy and their duties under Data Protection Law and receive relevant training.

## **THIS POLICY**

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

Various laws underpin this Privacy Notice and are as follows:

- The Data Protection Act 1998 and related statutory instruments (until 25 May 2018)
- The General Data Protection Regulation (from 25 May 2018)
- The Data Protection Act 2018 and related legislation (from 25 May 2018, form TBC)
- The Privacy and Electronic Communications Regulations 2011 (PECR) (to continue after 25 May 2018 until replaced by the ePrivacy Regulation – form and date TBC)
- The Protection of Freedoms Act 2012 (biometrics and CCTV)

## **QUERIES AND COMPLAINTS**

Any comments or queries on this policy should be directed to the Data Champion, Enio Fernandes using the following contact details:

eniofernandes@cic.ac

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 contact the Data Champion. If you feel unable to contact the Data Champion you should contact the Executive Principal who sits on the Governing Body with responsibility for Data Protection. 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.

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