



Kimbolton School
Cambridgeshire

PRIVACY NOTICE

Release Date: Summer 2024 Review Date: As appropriate
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Policy owner: Bursar

Governor Committee: Risk Committee

Policy Summary Statement:

This policy sets out the School's expectations and procedures with respect to privacy and is used in conjunction with the Data Protection Policy regarding processing any personal data we collect from data subjects (including parents, pupils, employees, contractors and third parties).
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Introduction

This Privacy 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 you can make about your own information.

This Notice applies in addition to the Parent Contract.

Who we are

Kimbolton School is registered as a Charitable Company limited by Guarantee and, under the relevant legislation¹, is a Data Controller and, as such, able to process personal data through a data processor.

What this Policy 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 in accordance with the rights of individuals under Data Protection Law 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.

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:

- any contract between the School and its staff or the parents of pupils;
- the School's policy on taking, storing, and using images of children;
- the School's retention of records policy;
- the School's Safeguarding, Pastoral, or Health and Safety policies, including as to how concerns or incidents are recorded; and
- the School's IT policies, including its Acceptable Use Policy, eSafety Policy, Remote Working Policy and Bring Your Own Device policy.

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 this Privacy Notice, which also provides further information about how personal data about those individuals will be used.

Responsibility for Data Protection

The School has appointed the Bursar as the Privacy and Compliance Officer who 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 Privacy and Compliance Officer can be contacted at privacy@kimbolton.cambs.sch.uk or at the School postal address.

Why the school needs to process personal data

In order to carry out its ordinary duties to staff, pupils and parents, the School may 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 may fall within that category of its (or its community's) **"legitimate interests"**:

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To carry out credit, identity, and source of funds checks, whether with previous schools and/or third-party sources or service providers, including for the purposes of verifying that parents are not subject to (or within the purview of) sanctions.
- 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 policy on taking, storing, and using images of children]
- For regulatory record keeping / compliance purposes in respect of immigration requirements, as an employer and/or visa sponsor.
- 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.
Maintaining relationships with alumni and the School's parental and pupil 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 and relevant interests.
- For the purposes of management planning and forecasting, research, and statistical analysis, including that imposed or provided for by law (such as diversity or gender pay gap analysis and taxation records).
- 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 IT Acceptable Use Policy.
- To make use of photographic images of pupils in School publications, on the School website and on the School's social media channels in accordance with the School's policy on taking,

storing and using images of children.

- To provide Masterclass activity.
- For security purposes, including CCTV.
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School; and
- Any other reasonable activity connected with the School.

In addition, the School may need to process special category personal data (concerning health, ethnicity, religion, biometrics, or sexual life) 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 may 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 where it is in the individual's interests to do so: for example, for medical advice, social services, insurance purposes or to organisers of School trips.
- To provide educational services in the context of any special educational needs of a pupil.
- In connection with employment of its staff, for example DBS checks, welfare, or pension plans.
- To run any of its systems that operate on biometric data, such as for security and other forms of pupil identification (library); 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

Personal data is information that we hold about you and which identifies you. This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details.
- bank details and other financial information, e.g. about parents who pay fees to the School and payments made by the School.
- past, present, and prospective pupils' date of birth, academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks.
- nationality and other immigration status information (e.g. right to enter, live and [work or] study in the United Kingdom), including copies of passport information.
- where appropriate, information about individuals' health, and contact details for their next of kin.
- references given or received by the School about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with pupils; 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) (CCTV is not used in private areas such as changing rooms or toilets).
- car details (about those who use our car parking facilities).

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, or third-party service providers who credit and identity check parents and their source of funds); or collected from publicly available resources.

Who has access to personal data and who the School shares it with

Processing by third parties. 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). However, some functions may be outsourced such as IT systems, web developers or cloud storage providers. In accordance with data protection law, this type of external data processing is always subject to contractual assurances that personal data will be kept securely and used only in accordance with the School's specific directions.

Data sharing. Occasionally, the School – including its trustees / governing board – will need to share personal information relating to its community of staff, volunteers, pupils and parents with third parties, such as:

- appropriate contractors, such as visiting music teachers.
- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- examination boards.
- Stage 3 complaints panels, which may include independent panel members such as when a complaint is raised (and in accordance with the School Complaints Procedure, this requires the involvement of independent panel members).
- third parties and their advisers in the event of a possible or actual sale, merger, or other restructuring of the school; and
- government authorities (e.g. HMRC, DfE, CAFCASS, police, Home Office, a relevant public health / NHS body and / or local authority) and/or appropriate regulatory bodies e.g. the [Teaching Regulation Agency](#), the [Independent Schools Inspectorate](#), [the [Charity Commission](#)] [etc.].
- If you are a parent and a member of the Kimbolton School Parents Association ("KSPA"), the School may share your contact details with the KSPA. The KSPA is a separate data controller and the School is not responsible for the KSPA's processing of personal data.
- If the school has a joint controller or data sharing arrangement with any third party, e.g. a trust, group company or alumni organisation, this should be specified and described here.

Access to, and sharing of, sensitive data

Particularly strict rules of access apply in the context of "special category" data, most notably:

- health and medical / special needs records; and
- pastoral or safeguarding files.

Medical / health data. The School needs to process such information to comply with statutory duties and to keep pupils and others safe, but the School will ensure only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for School trips or for catering

purposes. Express consent will be sought where appropriate. However, a certain amount of any 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.

Safeguarding data. The School is under duties imposed by law and statutory guidance (including [Keeping Children Safe in Education](#) or 'KCSIE') 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 notes on personnel or safeguarding files, low-level concerns records kept about adults (which may include references to pupils or family members), and in some cases referrals to relevant authorities such as the LADO, Children's Services, CAMHS or the police.

KCSIE also requires that, whenever a child leaves the School to join another school or college, his or her child protection file is promptly provided to the new organisation, along with any other information which the School's Designated Safeguarding Lead considers material to the ongoing care needs of any pupil. Where appropriate, the School will consult with parents as to how these needs are best served, but ultimately the decision as to what information is necessary to share with the new school or college is a safeguarding question that must be reserved to the School. The School will retain a copy of the child protection file in accordance with its retention policy for material related to safeguarding matters.

The School uses CPOMS to keep record of Safeguarding concerns.

For further information about this, please view the School's Safeguarding Policies.

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 seven (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 this 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 Privacy and Compliance Officer. However, please bear in mind that the School may have lawful, best interest, historical interest, and other necessary reasons to hold on to data for longer.

Keeping in touch and supporting the School

The School and/or any relevant other organisation (OKA, KSPA etc) will use the contact details of prospective parents, 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, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the School may also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the School community, such as the OKA, KSPA, past parents, Kimbolton Singers, History Society, CCF, Politics Society and other groups etc.
- Contact parents and/or alumni (including via the organisations above) by post and email in order to promote and raise funds for the School and, where appropriate, other worthy causes.
- Should you wish to object to any such use, or would like further information about them, please contact the Privacy and Compliance Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising.

However, the School may need nonetheless 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

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 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 Privacy and Compliance Officer.

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 is manifestly excessive or similar to previous requests, the School may ask you to reconsider or charge a proportionate fee, but only where Data Protection Law allows it.

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal professional privilege. The School is also not required to disclose any pupil examination scripts, nor any confidential reference given by the School for the purposes of the education, training, or employment of any individual.

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). Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger pupils, the information in question is always considered to be the child's at law.

A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf. Moreover (if of sufficient age) their consent or authority may need to be sought by the parent making such a request. Pupils at the Senior School aged 15 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.

All information requests from, or on behalf of, 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). Please be aware however that the School will 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 of an organisation such as an alumni or parents' association 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 consent to process personal data relating to pupils (if consent is required) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on 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, 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 relevant policies, e.g. IT: Acceptable Use Policy and the School Rules. Staff are under professional duties to do the same covered under the relevant staff 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 notify the School Office 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.

Queries and complaints

Any comments or queries on this policy should be directed to the Privacy and Compliance Officer either at privacy@kimboltonschool.com or at the School address.

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 Complaints Procedure and should also notify the Privacy and Compliance Officer. The School can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO) quoting the School's registration number Z6674092, although the ICO recommends that steps are taken to resolve the matter with the School before involving the regulator.

AUTHOR/REVIEWER	JENNY AGNEW BURSAR		
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