



Privacy Notice

Date: June 2023

Next review due: June 2024

Linked Documents:

Data Protection Policy

Child Protection and Safeguarding Policy

Photography and Filming Policy

Acceptable use of ICT

Introduction

Brighton & Hove Montessori School is committed to ensuring that your privacy is protected. Should we ask you to provide certain information by which you can be identified when using this website, or by any other means, then you can be assured that it will only be used in accordance with this Privacy Notice.

This privacy notice explains how we collect, store and use any information that you give us when you use this website or by any other means.

We may change this notice from time to time by updating it on the website. You should check the website from time to time to ensure that you are happy with any changes. Where there are substantial changes that will affect your rights, they will be provided to you as far as is reasonably practicable. This notice is effective from April 2023.

What is this Privacy Notice For?

This notice is intended to provide information about how the School will use (or "process") personal data about individuals including: its current and prospective staff; its current and prospective children; and their parents/carers and alumnae.

This information is provided in accordance with the rights of individuals under the Data Protection Act 2018 (DPA (2018)), and all applicable data protection legislation including the UK GDPR and EU GDPR, to understand how their data is used. Staff, parents, carers, children and alumnae 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:

- (a) any contract between the School and it's staff or the parents/carers of children;
- (b) the School's policy on taking, storing and using images of children, entitled Photography and Filming Policy;
- (c) the School's Data Retention Policy;
- (d) the School's Safeguarding, or Health and Safety policies, including as to how concerns or incidents are recorded;

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(e) the School's IT policies, including its Acceptable Use of ICT Policy for pupils and Data Protection and ICT Acceptable Use of ICT Policy for staff;

(f) Anyone who works for, or acts on behalf of, the School (including staff, volunteers, Governors) 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

We, Brighton & Hove Montessori School are the 'data controller' for the purposes of UK data protection law.

Our data protection officer is Philippa Godard who can be contacted by email: info@brighton-montessori.org.uk

Why The School Needs To Process Personal Data

In order to carry out its ordinary duties to staff, children and parents/carers, the school may process a wide range of personal data about individuals (including current, past and prospective staff, children, parents or alumnae) 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 children, or where you have given permission for the school to use your personal data as outlined in the contract.

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 "legitimate interests":

- a) To provide education services and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs
- b) Maintain relationships with alumnae and the school community, including marketing or fundraising activity
- c) 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)
- d) To enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate
- e) To give and receive information and references about alumnae, 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
- f) To safeguard pupils' welfare and provide appropriate pastoral care
- g) To monitor (as appropriate) use of the school's IT and communications systems in accordance with the school's ICT Acceptable Use Policy for pupils
- h) 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 Photograph and Filming Policy
- i) To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
- j) Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

To enable the School to comply with its legal obligations, to assist the School regarding the management and operation of the School and to advance and protect the School's interests, objects and reputation.

In addition, the school may need to process **special category personal data** (concerning health, ethnicity, religion, 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:

- (a) To safeguard children's 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;
- (b) To provide educational services in the context of any special educational needs of a child;
- (c) To provide spiritual education in the context of any religious beliefs;
- (d) In connection with employment of its staff, for example DBS checks, welfare or pension plans;
- (e) 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
- (f) 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:

Staff:

Names, addresses, telephone numbers, email addresses and other contact details;

Date of birth marital status and gender

Next of kin and emergency contact numbers

Salary, pension and benefits information

Bank account details, payroll records, National Insurance number and tax status information

Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process

Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships

Performance information

Outcomes of any disciplinary and/or grievance procedures

Absence data

We may also collect, use, store and share (when appropriate) information about you that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

Any health conditions you have that we need to be aware of

Sickness records

Photographs captured in school

Trade Union membership

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other schools and social services, and the Disclosure and Barring Service in respect of criminal offence data.

Parents and carers

Contact details and contact preferences

Car details;

Bank details and other financial information, e.g. about parents who pay fees to the school;

Details of your family circumstances

Details of any safeguarding information including court orders or professional involvement

Records of your correspondence and contact with us

Details of any complaint you have made.

We may also collect, use, store and share (when appropriate) information about you that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

Any health conditions you may have that we need to be aware of

Photographs captured in school

We may also hold data about you that we have received from other organisations, including other schools and social services.

Children

Contact details, date of birth, identification documents,

Results of internal assessments and externally set tests

Child and curricular records

Exclusion information

Attendance information

Safeguarding information

Details of any support received, including care packages, plans, and support providers

We may also collect, use, store and share (when appropriate) information about your child that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to, information about:

Any medical conditions we need to be aware of, including physical and mental health

Photographs captured in school

Characteristics, such as ethnic background or special educational needs.

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We may also hold data about children that we have received from other organisations, including other schools and social services.

Past, present and prospective children's academic, disciplinary, admissions and attendance records (including information about any special needs);

Where appropriate, information about individuals' health, and contact details for their next of kin;

References or reports given or received by the school about children, and information provided by previous educational establishments and/or other professionals or organisations working with children; and

Correspondence with and concerning staff, children and parents past and present; and

Images of children (and occasionally other individuals) engaging in school activities (in accordance with the school's Photography and Filming Policy)

How the School Collects Data

Generally, the School receives personal data from the individual directly (including, in the case of children, from their parents/carers). This may be via a form, or simply in the ordinary course of interaction or communication (such as email).

The School may also collect information about your usage of our website(s) to improve our services available to you. This may include technical information including the IP (Internet Protocol) address used to connect your computer to the Internet, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform and if you access our site by your mobile device, we may collect your unique phone identifier.

However, in some cases personal data may be supplied by third parties (for example another school, or other professionals or authorities working with that individual); or collected from a third party or publicly available resources (for example, if you post something on the BHMS Facebook page or Instagram page, or if we find out about one of your achievements through a story in the local newspaper, or if someone else tells us). Please see further below (Keeping in Touch and Supporting the School) for the ways the School may do this.

Your personal data will be created and shared by others at the School, for example, if you are a child, during the course of your employment or whilst you are volunteering with the School.

Who Has Access to Personal Data and Who the School Shares It With:

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

- (a) professional advisers (lawyers and accountants) or relevant authorities (HMRC, police or the local authority).

- (b) government authorities (e.g. HMRC, DfE, police or the local authority); and

- (c) appropriate regulatory bodies (e.g. the Independent Schools Inspectorate, the Charity Commission or the Information Commissioner's Office).

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). This includes sharing information with School employees. Particularly strict rules of access apply in the context of safeguarding files held by the DSLs.

However, a certain amount of any SEN child's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the child requires.

Staff, children and parents/carers 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

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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 may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as Social Services, the LADO or police. For further information about this, please view the school's Child Protection and 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 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 and we take all appropriate measures to prevent unauthorised or unlawful access to it. As many of these processors operate globally, it may be necessary to transfer your information internationally. Use of personal data by such third parties is safeguarded by both international procedures and legal agreements to comply with the requirements of the Act.

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; this will be in accordance with school's Data Retention Policy. Typically, the legal recommendation for how long to keep ordinary staff and child 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 this notice is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the office. However, please bear in mind that the school may have lawful and necessary reasons to hold on to some data even following such 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")

Brighton & Hove Montessori School has a Data Retention Policy which specifies how long we will keep different types of data.

Keeping In Touch and Supporting the School

The school will use the contact details of parents/carers, alumnae and other members of the school community to keep them updated about the activities of the school, or alumnae and parent/carer events of interest, including by sending updates and newsletters, by email.

Should you wish to limit or object to any such use, or would like further information about them, please contact the office in writing. You always have the right to withdraw consent, where given, or otherwise object to 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

Rights of access, etc.

- a) 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.
- b) Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, should put their request in writing to Philippa Goddard (Data Protection Officer).
- c) Subject to the satisfaction of suitable identity checks, 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

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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.

Requests that cannot be fulfilled:

- a) 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.
- b) The school is also not required to disclose any information consisting solely of child test answers, share any confidential reference given by the school itself for the purposes of the education, training or employment of any individual.
- c) 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.

Child requests

- a) Children 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 child of any age may ask a parent/carer or other representative to make a subject access request on their behalf.
- b) Indeed, while a person with parental responsibility will generally be expected to make a subject access request on behalf of younger children, the information in question is always considered to be the child's at law. A child of any age may ask a parent/carer or other representative to make a subject access request on their behalf, and moreover (if of sufficient age) their consent or authority may need to be sought by the parent. Children aged 13 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. Children younger than 13 may be sufficiently mature to have a say in this decision. All subject access requests from children will therefore be considered on a case by case basis.

Parental requests, etc

- a) Parents/carers will in general receive educational and pastoral updates about their children. Where parents/carers 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.
- b) All information requests from, on behalf of, or concerning children – whether made under a subject access or simply as an incidental request – will therefore be considered on a case by case basis.

Consent

- a) 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 may have another lawful reason to process the personal data in question even without your consent.
- b) 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 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 children (if consent is required) unless, given the nature of the processing in question, and the child's age and understanding, it is more appropriate to rely on the child's consent.

Parents/carers 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 children's 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 child's activities, progress and behaviour, and in the interests of the child's welfare, unless, in the school's opinion, there is a good reason to do otherwise.

However, where a child seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents/carers, 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 child or other children, or if required by law.

Children are required to respect the personal data and privacy of others, and to comply with the school's Acceptable Use of IT Policy for Pupils. Staff are under professional duties to do the same, as covered under the Data Protection and Acceptable Use of ICT Policy for Staff.

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 office of any changes to information held about them.

An individual has the right to request that any inaccurate or out-of-date information about them is erased or corrected (subject to certain exemptions and limitations under Act): please see above for details of why the school may need to process your data and 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 are aware of this notice and their duties under Data Protection Law.

Cookies

A cookie is a string of information that is sent by a website and stored on your hard drive or temporarily in your computer's memory. We may employ cookie technology to help you move faster through our Site and to assist with the online application process. We may employ cookie technology to estimate our total audience size and traffic and to help us improve our Site's experience by measuring which site areas are of greatest interest to users.

You can turn off the ability to receive any of these cookies by adjusting the browser in your computer, but you should note that if you do so, this may materially affect the functionality of the Site and the information you can access through it. If you wish to find out more about cookies, or how to refuse cookies, please visit the Interactive Advertising Bureau's website at www.allaboutcookies.org.

Further information is also available on the Information Commissioner's Office website: <https://ico.org.uk/for-organisations/guide-to-pecr/cookies-and-similar-technologies/>

Complaints

If an individual believes that the school has not complied with this notice or acted otherwise than in accordance with Data Protection Law, they should utilise the school complaints procedure and should also notify the Data Protection Officer. 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.