

Policy name: Data Protection and Privacy

Date: October 2019

Review Date: September 2020, January 2021

Responsible person: Daisy Cockburn

The Brighton & Hove Montessori School (also known as the School within this document) collects and uses personal information about staff, students and families, and other individuals who come into contact with our organisation. The information is gathered in order to enable education, safe record keeping and other associated functions. In addition, there is a legal requirement to collect and use information to ensure that we comply with statutory regulation such as the GDPR 2018.

This policy applies to our website, our use of emails and any other methods that we use for collecting information. It covers what we collect and why, what we do with the information and what we won't do with the information, and what rights you have.

Purpose of this Privacy Notice

This policy is intended to provide information about how Brighton & Hove Montessori School will use (or "process") personal data about individuals. This information is provided because the GDPR gives individuals rights to understand how their data is used. All are encouraged to read this Privacy Notice and understand the obligations to the community.

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

This Privacy Notice is applicable in addition to Brighton & Hove Montessori School's other relevant terms and conditions and policies.

Anyone who works for, or acts on behalf of, Brighton & Hove Montessori School (including staff, volunteers, board members and service providers) should also be aware of and comply with the staff handbook, which also provides further information about how personal data about those individuals will be used.

Commitment to Privacy

We are committed to keeping the personal information that you share with us (on paper, over the telephone or via the internet) accurate, up to date and confidential.

Responsibility for Data Protection

The Headteacher will take responsibility for the oversight of data protection compliance. The Headteacher will deal with all your requests and enquiries concerning the use 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 the GDPR.

What Information Do We Collect?

We will only ever collect the information that we need, including data that will be useful to help us to improve our services. We collect two kinds of information:

- Non-personal information such as IP addresses (the location of the computer on the internet), pages accessed, and files downloaded. This helps us to determine how many people use our website and how popular the pages are. It doesn't tell us anything about who you are or your address. It simply allows us to monitor and improve our website. We also use cookies on our website. Please see our cookies policy for further information.
- Personal information as detailed below. This information will be used for administration and for other normal purposes of a non-government organisation.

Personal Data Processed by Brighton & Hove Montessori School

Personal data processed by us relating to school personnel includes:

- contact details
- national insurance numbers
- ethnic group
- employment contracts
- remuneration details
- qualifications, training and assessment results
- absence information
- DBS information

Personal data processed by us relating to pupils includes:

- contact details
- children's educational and medical records
- attendance information
- any exclusion information
- school transfer information
- information relating to any special needs
- ethnic group.

Brighton and Hove Montessori School does not collect or store students' biometric information.

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How We Collect Personal Data

We will collect information about you at the time you contact us for information and in further detail when registering for a place at the school, or applying for employment. From time to time we may request that you confirm and where necessary update the information that we hold. On occasion, we may request additional information if it is deemed necessary for administration or service provision.

Your personal data will usually be collected directly from you, but some may be passed to us by third parties, for example references and reports required for employment purposes, children's educational development, safeguarding or funding information.

Purposes For Which Your Data May Be Processed

Your personal data (including sensitive personal data, where appropriate) is processed strictly in accordance with the GDPR in order to:

- support children, families and staff;
- assess how well the School as a whole is doing;
- communicate with staff and educational bodies;
- 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 performance and to intervene or assist with incidents as appropriate;
- to give and receive information and references about past, current and prospective staff;
- to give and receive information about past, current and prospective students/trainees;
- to monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's related policies;
- to make use of photographic images in publications, on the website and (where appropriate) on social media channels in accordance with the School's policy on taking, storing and using images; and
- other reasonable purposes relating to the operation of the School.

Unless you have requested otherwise, the School may also use your contact details to send you promotional and marketing information by post and email about the School and its activities. When you submit information via our website you will have the option to opt out of receiving marketing information. Should you subsequently decide that you would rather not receive such information then there is an "unsubscribe" option on all of our emails or you can contact info@brighton-montessori.org.uk at any time. If you want to receive information but haven't opted in, you can do so by emailing info@brighton-montessori.org.uk.

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Third Parties with Whom We May Need to Share Your Personal Data

From time to time the School may be required to pass your personal data (including sensitive personal data where appropriate) to third parties, including local and public authorities, and professional advisers, who will process the data:

- to comply with the law, for example to comply with a court order, or if requested by a government or local authority department which has the lawful authority to obtain the information;
- in response to a request from either the police or a local authority department in connection with our Child Protection obligations;
- to enable the relevant authorities to monitor the School's performance;
- to compile statistical information (normally used on an anonymous basis);
- to secure funding for the School (and where relevant, on behalf of individuals);
- to enable trainers and students/trainees to take part in assessments and to monitor progress and educational needs;
- to obtain appropriate professional advice and insurance;
- where a reference or other information is requested by another educational establishment or employer to whom they have applied;
- where otherwise required by law; and
- otherwise where reasonably necessary for the operation of the School.

Finally, in accordance with the GDPR, some of Brighton & Hove Montessori 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.

Storing Your Information

Information is stored by us on servers located in the United Kingdom and Microsoft Office 365 locations. We may transfer the information to other reputable third-party organisations as explained above and they may store their information inside or outside the European Economic Area. We may also store information in paper files. Unfortunately the transmission of information via the internet is not completely secure; any transmission is at your own risk. Once we have received your information we have in place suitable physical, electronic and managerial procedures to safeguard and secure the information we collect online. Whilst we cannot guarantee that loss, misuse or alteration of data will not occur whilst it is under our control, we make every effort to try to prevent this. Where a password is required to enable you to access parts of our website, it is your responsibility to keep this password confidential. Please do not share your password with anyone.

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Retention of Data

Brighton & Hove Montessori School will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason.

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 Headteacher at info@brighton-montessori.org.uk.

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 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").

When we no longer require information, we will always dispose of it securely, using specialist companies if necessary.

What We Won't Do With Your Information

We will never sell or share your information with other organisations to use for their own purposes other than when required by Law, as listed above. Personal data cannot be disclosed to a third party without the consent of the individual except when it is legally required.

Your Rights

Individuals have various rights under the GDPR to access and understand personal data held about them, 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. This is 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 Headteacher.

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 the GDPR allows it).

For more information about your rights, please see the EU GDPR portal.

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, 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).

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The School is also not required to disclose any student examination scripts, 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 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.

Consent

Where the School is relying on consent as a means to process personal data, any person may withdraw this consent at any time. Examples where we do rely on consent are certain types of uses of images and certain types of marketing 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 Privacy Notice or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment contract, or because a purchase of goods, services or membership has been requested).

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 Headteacher 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 the GDPR): 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, ensuring that computers and servers comply with all up to date Government regulations and are secure with anti-virus software, firewall software and passwords.

All staff, volunteers and relevant parties will be made aware of this policy and their duties under the GDPR and receive relevant training including:

- to be discreet and confidential
- to consider the safe and secure positioning of computers
- to back up data
- to turn off computers when not in use
- to remember password access
- to lock filing cabinets and doors to offices

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- to shred confidential material
- to clear their desk before they leave school
- we do not use non encrypted data storage devices for sensitive data
- not to remove or copy sensitive or personal data from the school premises
- not to publish any documents containing personal data on externally accessible websites
- to securely delete sensitive or personal information from their systems once it is no longer required.

Data Breaches

Every care is taken to protect personal data and to avoid a data protection breach. In the event of data being lost or shared inappropriately, we will take appropriate action to minimise any associated risk as soon as possible.

Types of Breach

Data protection breaches could be caused by a number of factors, such as:

- Loss or theft of pupil, staff data and/ or equipment on which data is stored
- Equipment Failure
- Poor data destruction procedures
- Human Error
- Cyber-attack
- Hacking

Managing a Data Breach

In the event that the School identifies or is notified of a personal data breach, the following steps will be followed:

The person who discovers or receives a report of a breach must inform the Head Teacher.

The Head Teacher will then ascertain whether the breach is still occurring. If so, steps will be taken immediately to minimise the effect of the breach. An example might be to shut down a system.

The Head Teacher will consider whether the Police need to be informed. This would be appropriate where illegal activity is known or is believed to have occurred, or where there is a risk that illegal activity might occur in the future. In such instances, advice from the School's insurers would be obtained.

We will quickly take appropriate steps to recover any losses and limit the damage. Steps might include:

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- Attempting to recover lost equipment.
- The use of back-ups to restore lost/damaged/stolen data.
- If the data breach includes IT system passwords, then these will be changed immediately and the relevant agencies and members of staff informed.

Investigation

In most cases, the next stage would be for the Head Teacher to fully investigate the breach. The Head Teacher will

ascertain whose data was involved in the breach, the potential effect on the data subject and what further steps need to be taken to remedy the situation.

The investigation will consider:

- The type of data
- Its sensitivity
- What protections were in place (e.g. encryption)
- What has happened to the data
- Whether the data could be put to any illegal or inappropriate use
- How many people are affected
- What type of people have been affected (pupils, staff members, suppliers etc) and whether there are wider consequences to the breach.

A clear record will be made of the nature of the breach and the actions taken to mitigate it. The investigation will be completed as a matter of urgency due to the requirements to report notifiable personal data breaches to the Information Commissioner's Office (ICO). A more detailed review of the causes of the breach and recommendations for future improvements will be carried out once the matter has been resolved.

Notification

Some people/agencies may need to be notified as part of the initial containment. The Head Teacher will, after seeking expert or legal advice, decide whether anyone is notified of the breach. In the case of significant breaches, the Information Commissioner's Office (ICO) must be notified within 72 hours of the breach. Every incident will be considered on a case by case basis.

When notifying individuals, we will give specific and clear advice on what they can do to protect themselves and what the School is able to do to help them. Individuals will be given the opportunity to make a formal complaint if they wish (see our Complaints Procedure). The notification will include a description of how and when the breach occurred and what data was involved. We will also include details of what has already been done to mitigate the risks posed by the breach.

Preventing Future Breaches

Once the data breach has been dealt with, we will consider our security processes with the aim of preventing further breaches. We will assess whether technical or organisational measures can be implemented to prevent the breach happening

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again. We will also consider whether there is adequate staff awareness of security issues and look to fill any gaps through training or tailored advice.

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.

Further Questions

If you have any queries about this Notice or how personal data is processed by Brighton & Hove Montessori School, please contact the Headteacher at info@brighton-montessori.org.uk.

If an individual believes that the School has not complied with this policy or acted otherwise than in accordance with the GDPR, they should utilise the complaints procedure and should also notify the Headteacher. You can also make a referral to or lodge a complaint with the Information Commissioner's Office, although it is recommended that steps are taken to resolve the matter with Brighton & Hove Montessori School before involving the regulator.

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