



LATHALLAN SCHOOL

PRIVACY NOTICE

1. WHO WE ARE

Lathallan School is a Scottish independent co-educational day and boarding school offering an outstanding Nursery, Primary and Secondary education (herein referred to as "the school"). Brotherton Castle, the home of Lathallan, offers accommodation to pupils who wish to be full, weekly or flexi boarders. The castle's unique coastal location ensures that young people enjoy some of the best years of their lives in a wonderful learning environment.

Lathallan School inspires its pupils to achieve beyond their expectations, concentrating on its ethos which is based on five main values – confidence, opportunity, respect, endeavour and modesty.

Lathallan Schools Ltd is registered in Scotland – Company No. SC043810; a Scottish Charity (SC018423).

Our address is: Lathallan School, Brotherton Castle, Johnshaven, DD10 0HN. We can be reached by email at office@lathallan.org.uk and our website is www.lathallan.org.uk.

2. WHAT THIS NOTICE IS FOR

Lathallan School is committed to protecting the security of your personal information. Your privacy is very important to us.

This notice is intended to provide information about how the school will use (or "process") personal data about individuals including its current 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. 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 the parents of pupils;
- the school's policy on taking, storing and using images of children;
- the school's CCTV and Biometrics policy;
- the school's data retention 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.

3. RESPONSIBILITY FOR DATA PROTECTION

The School has appointed Myles Beattie (IT Manager) to act as its Data Protection Officer (DPO) who will deal with all your requests and enquiries concerning the school's uses of your personal data (see section 12 - Your Rights) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law. Mr Beattie can be contacted at dataprotection@lathallan.org.uk or in writing at the address in section 1.

4. RESPONSIBILITY FOR DATA PROTECTION

We will endeavour to ensure the personal data we hold about parents and pupils is:

- Used lawfully, fairly and in a transparent way;
- Collected only for the purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- Relevant to the purposes we have told you about and limited only to those purposes;
- Accurate and kept up to date;
- Kept only as long as necessary for the purposes we have told you about; and
- Kept securely.

5. WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to pupils and parents, the school may process a wide range of personal data about individuals (including current, past and prospective 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 the 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 provide care, 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 the school community, including direct marketing or fundraising activity;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law;
- 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 (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 security purposes, including CCTV in accordance with the school's CCTV policy; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

In addition, the school may need to process **special category personal data** (concerning health, ethnicity, religion, biometrics or sexual life) in accordance with rights or duties imposed on it by law, including as regards safeguarding, 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 care and educational services in the context of any special educational needs of a pupil;
- To provide spiritual education in the context of any religious beliefs;
- To run any of its systems that operate on biometric data, such as for security and other forms of pupil identification; or
- For legal and regulatory purposes (for example child protection and health and safety) and to comply with its legal obligations and duties of care.

6. TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL

PARENTS

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- details of employer;

We may also collect, store and use the following “special categories” of more sensitive personal information:

- information about a parents race or ethnicity, spoken language and nationality; and
- conversations with parents where staff deem it relevant to the prevention of radicalisation or other aspects of the governments Prevent Strategy.

PUPILS

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- next of kin and emergency contact details;
- biometric information, which may be collected and used by the school in accordance with the school's biometrics policy;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- where appropriate, information about individuals' health, and contact details for their next of kin;
- photographs of the pupil to signpost where their belongings are stored at the school, and also for general display purposes;
- Records for each pupil containing the work of the pupil whilst at the school, observations about the pupils development whilst at the school from staff, specific examples of the pupil's progress, photographs demonstrating the pupil's development whilst at the school, and personal details of the pupil (e.g. their date of birth) (“Progress Report”);
- observation, planning and assessment records of pupils;
- accident and pre-existing injuries forms;
- 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, (in accordance with the school's policy on taking, storing and using images of children) and images captured by the school's CCTV system (in accordance with the school's CCTV policy).

We may also collect, store and use the following “special categories” of more sensitive personal information:

- information about a pupil's race or ethnicity, spoken language and nationality;
- information about a pupil's health, including any medical condition, health and sickness records;

- information about a pupil's accident or incident reports including reports of pre-existing injuries; and
- information about a Child's incident forms / child protection referral forms / child protection case details / reports.

7. 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 may be supplied by third parties (for example another school, or other professionals or authorities working with that individual); or collected from publicly available resources.

8. HOW WE USE YOUR INFORMATION

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest or for official purposes.

We need all the categories of information in the list above primarily to allow us to perform our contracts with parents and to enable us to comply with legal obligations.

9. 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 professional advisers (lawyers, debt recovery agents and accountants) or relevant authorities (HMRC, police or the local authority).

For the most part, personal data collected by the school will remain within the school, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records held and accessed only by the school matron and appropriate medical/boarding staff under her supervision, or otherwise in accordance with express consent; and
- pastoral or safeguarding files.

However, a certain amount of any SEN pupil's (Pupils with identified Special Educational Needs) 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.

Pupils and parents are reminded that the school is under duties imposed by law and statutory guidance (including **Getting It Right For Every Child**) 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 may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as social work 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 HM Revenue and Customs(HMRC), photographers, IT systems, web developers or cloud storage providers. These include:

- **Google** - Gmail, Google Drive, Youtube, Google Classroom etc.;
- **GLOW** - Digital learning portal run by Education Scotland;
- **Ossian Media** - the company maintaining lathallan.org.uk; and hosting our website;
- **MailChimp** - email marketing platform for parent e-newsletters and alumni e-newsletter;
- **The Astute Group** - graphic designers who create our annual review;
- **Tempest Photography** - the company contracted to take our school photographs;
- **Textlocal.com** - the service we use for our text notification system;
- **CEM** - Centre for Evaluation and Monitoring, interactive student assessment;
- **Begin by Zoho** - Customer relationship management (CRM) software;
- **Evolve by EduFocus** – School trip management software;
- **RS Coaches/JP Coaches/Kenny's Taxi's** - companies who provide our school transport;
- **KinderSoft** - staff/student management software; and
- **SAGE** - industry standard accounting software.

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

Special categories of particularly sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

- in limited circumstances, with a parent's explicit written consent; and
- where it is needed in the public interest, such as for equal opportunities monitoring.

Less commonly, we may process this type of information where it is needed in relation to legal claims

or where it is needed to protect a pupil or a parents' interests (or someone else's interests) and the pupil or parent as is appropriate is not capable of giving consent, or where the parent has already made the information public.

10. 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 or 25 years from date of birth. 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 dataprotection@lathallan.org.uk. However, please bear in mind that the school may have lawful and necessary reasons to hold on to some data.

Student records including: student reports, child protection, student performance records and student medical records will be kept for 25 years from the subject's date of birth. SEN (Special Educational Needs) records will be kept for 35 years from the subject's date of birth.

Admissions records including: application forms, assessments and records of decisions will be kept for 25 years from the subject's date of birth or in the event that an application is unsuccessful for 1 year from the decision.

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").

For specific details on how long each type of personal information is held please request a copy of the school's data retention policy.

11. KEEPING IN TOUCH AND SUPPORTING THE SCHOOL

The school will use the contact details of parents, alumni and other members of the school community to keep them updated about the activities of the school, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the school may also:

- Contact parents and/or alumni by post and email, where positive consent has been obtained to do so, in order to promote and raise funds for the school;
- 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 Lathallan Association and the Old Lathallian Association.
- Should you wish to limit or object to any such use, or would like further information about them, please contact dataprotection@lathallan.org.uk. 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).

12. 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 dataprotection@lathallan.org.uk or the address in section 1.

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 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).

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.

13. 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 aged 12 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.

14. PARENTAL REQUESTS

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

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

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

15. CONSENT

Where the school is relying on positive 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.

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).

16. 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 IT: acceptable use policy and the school rules.

17. 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 office@lathallan.org.uk of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the school may need to process your data, 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 board members will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

18. UPDATES

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.

19. QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to our Privacy and Compliance Officer using: dataprotection@lathallan.org.uk or made in writing to the address at the top of this policy.

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 dataprotection@lathallan.org.uk. The school 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.



CCTV POLICY

The purpose of this policy is to regulate the management and operation of the Closed Circuit Television (CCTV) System at Lathallan School (herein referred to as the **School**). It also serves as a notice and a guide to data subjects (including pupils, parents, staff, volunteers, visitors to the School and members of the public) regarding their rights in relation to personal data recorded via the CCTV system (the **System**).

The System is administered and managed by the School, who act as the Data Controller. This policy will be subject to review from time to time, and should be read with reference to the School's Privacy Policy. For further guidance, please review the Information Commissioner's CCTV Code of Practice: <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>.

All fixed cameras are in plain sight on the School premises and the School does not routinely use CCTV for covert monitoring or monitoring of private property outside the School grounds. The cameras are listed here:

- SERVER ROOM
- JUNIOR BAG STORAGE
- SENIOR BAG STORAGE
- MAIN FOYER
- REPROGRAPHICS ROOM
- DRAMA HALLWAY
- FIRST FLOOR LANDING
- SPORTS PAVILION
- CASTLE FRONT LAWN AND CARPARK

The School's purposes of using the CCTV system are set out below and, having fully considered the privacy rights of individuals, the School believes these purposes are all in its legitimate interests. Data captured for the purposes below will not be used for any commercial purpose.

1. **Objectives of the System**

- 1.1 To protect pupils, staff, volunteers, visitors and members of the public with regard to their personal safety.
- 1.2 To protect the School buildings and equipment, and the personal property of pupils, staff, volunteers, visitors and members of the public.

- 1.3 To support the police and community in preventing and detecting crime, and assist in the identification and apprehension of offenders.
- 1.4 To monitor the security and integrity of the School site and deliveries and arrivals.
- 1.5 To monitor staff and contractors when carrying out work duties.
- 1.6 To monitor and uphold discipline among pupils in line with the School Rules, which are available through the parental portal on our website.

2. Positioning

- 2.1 Locations have been selected, both inside and out, that the School reasonably believes require monitoring to address the stated objectives.
- 2.2 Adequate signage has been placed in prominent positions to inform staff and pupils that they are entering a monitored area, identifying the School as the Data Controller and giving contact details for further information regarding the system.
- 2.3 No images will be captured from areas in which individuals would have a heightened expectation of privacy, including changing and washroom facilities.
- 2.4 No images of public spaces will be captured except to a limited extent at site entrances.

3. Maintenance

- 3.1 The CCTV System will be operational 24 hours a day, every day of the year.
- 3.2 The System Manager (defined below) will check and confirm that the System is properly recording and that cameras are functioning correctly, on a regular basis.
- 3.3 The System will be checked and (to the extent necessary) serviced no less than annually.

4. Supervision of the System

- 4.1 Staff authorised by the School to conduct routine supervision of the System may include senior teaching and admin staff.
- 4.2 Images will be viewed and/or monitored in a suitably secure and private area to minimise the likelihood of or opportunity for access to unauthorised persons.

5. Storage of Data

- 5.1 The day-to-day management of images will be the responsibility of the IT Manager who will act as the System Manager, or such suitable person as the System Manager shall appoint in his or her absence.
- 5.2 Images will be stored for 1 week and automatically over-written unless the School considers it reasonably necessary for the pursuit of the objectives outlined above, or if lawfully required by an appropriate third party such as the police or local authority.
- 5.3 Where such data is retained, it will be retained in accordance with GDPR legislation and our Data Retention Policy.

6. Access to Images

- 6.1 Access to stored CCTV images will only be given to authorised persons, under the supervision of the System Manager, in pursuance of the above objectives (or if there is some other overriding and lawful reason to grant such access).
- 6.2 Individuals also have the right to access personal data the School holds on them (please see our Privacy Policy), including information held on the System, if it has been kept. The School will require specific details including at least time, date and camera location before it can properly respond to any such requests. This right is subject to certain exemptions from access, including in some circumstances where others are identifiable.
- 6.3 The System Manager must satisfy themselves of the identity of any person wishing to view stored images or access the system and the legitimacy of the request. The following are examples when the System Manager may authorise access to CCTV images:
 - 6.3.1 Where required to do so by the Head, the Police or some relevant statutory authority;
 - 6.3.2 To make a report regarding suspected criminal behaviour;
 - 6.3.3 To enable the Designated Safeguarding Lead or his/her appointed deputy to examine behaviour which may give rise to any reasonable safeguarding concern;
 - 6.3.4 To assist the School in establishing facts in cases of unacceptable pupil behaviour, in which case, the parents/guardian will be informed as part of the School's management of a particular incident;
 - 6.3.5 To data subjects (or their legal representatives) pursuant to an access request under the Act and on the basis set out in 6.2 above;
 - 6.3.6 To the School's insurance company where required in order to pursue a claim for damage done to insured property; or
 - 6.3.7 In any other circumstances required under law or regulation.
- 6.4 Where images are disclosed under 6.3 above a record will be made in the system log book including the person viewing the images, the time of access, the reason for viewing the images, the details of images viewed and a crime incident number (if applicable).

7. Other CCTV systems

- 7.1 The School does not own or manage third party CCTV systems, but may be provided by third parties with images of incidents where this is in line with the objectives of the School's own CCTV policy and/or its School Rules.

8. Complaints and queries

- 8.1 Any complaints or queries in relation to the School's CCTV system, or its use of CCTV, or requests for copies, should be referred to dataprotection@lathallan.org.uk