

How We Use Your Information

Privacy Notice for Pupils

The Mall School Trust

January 2022

Pupil Privacy Notice

Pupil Privacy Notice - Key Information

This notice contains the key information about how and why we collect personal data on your child and what we do with that information. Information about your child is called "personal data". This notice applies to pupils at both the Mall School and the Nursery at the Mall School. For ease of reference we refer to both as "the School".

The School uses all sorts of personal data. For example, we use information about how well your child is doing at School. We also use any information we need to take care of your child. Photos and videos of your child also count as their personal data.

The School uses your child's personal data in order to:

- Teach your child and our other pupils;
- Monitor the behaviour of your child and others and to take action where appropriate;
- Look after your child and other people e.g. their friends;
- 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; and
- Fundraise, market and promote the School. For example, by using photos of our pupils in the School prospectus, on the School's website or on social media.

Here are some examples of how we use your child's personal data and where that personal data comes from.

- Admissions forms give us lots of personal data about your child. We get information from you, your child's teachers and other pupils. Your child's old school also gives us information about your child so that we can teach and care for your child.
- Sometimes we get information from your child's doctors and other professionals where we need this to look after your child.
- We may need to share some of your child's personal data with the government (e.g. the Department for Education). We will need to tell the local authority that your child attends the School, if your child leaves the School or if we have any concerns about your child's welfare.
- We may use photos or videos of your child to show prospective pupils what we do here and to advertise the School. We may continue to use these photos and videos after your child has left the School. Sometimes we use photos and videos for teaching purposes, for example, to record a drama lesson.
- We publish our public exam results, sports fixtures and other news on the website. We also put articles and photos in the local news to tell people about what we have been doing.

- We will keep details of your child's address when they leave so we can keep them updated about what is happening at the School, to tell them about events and activities and find out how they are getting on.

You can exercise the following rights regarding your child's personal data:

- correction of personal data held;
- access to personal data held;
- deletion of personal data in certain circumstances;
- portability - the transfer of personal data to you or a third party;
- restriction of use of personal data; and
- the right to object to the use of personal data in certain circumstances.

These rights are explained in more detail in the full privacy notice, and the Bursar can give you more information.

If you would like to know more, you can find the School's Data Protection policy on the School's website www.themallschool.org.uk. You can also obtain a copy of the policy by contacting the School on reception@themallschool.org.uk, or 185 Hampton Road, 185 Hampton Road, Twickenham, Middlesex, TW2 5NQ, or 020 8977 2523.

The policy includes additional points, such as:

- more information on why we use your child's personal data;
- for how long the School keeps your child's personal data; and
- our lawful bases for using your child's personal data.

The Bursar is the person responsible at our school for managing how we look after personal data and can answer any questions which you may have about how we use your personal data.

Pupil Privacy Notice

Introduction

This notice is to help you understand **how** and **why** we collect your child's personal data and what we do with that information. It also explains the decisions that you can make about your child's personal data. This notice applies to pupils at both the Mall School and the Nursery at the Mall School. For ease of reference we refer to both as "the School".

We are giving you this notice because you are able to exercise your child's data protection rights on their behalf. When your child is older (usually when they reach the age of 12) they will usually be considered to have enough understanding to exercise their own data protection rights.

If you have any questions about this notice please contact the Bursar.

What is "personal data"?

Personal data is information that the School holds about your child and which identifies your child (either directly or indirectly).

This includes information such as their date of birth and address as well as things like exam results, medical details and behaviour records. CCTV images, photos and video recordings of your child are also personal data.

Where we get your child's personal data from and who we share it with

We obtain your child's personal data from a number of different sources. For example, our teachers, parents, your child's previous schools and any future school, other pupils and their parents. We might also get information from the government e.g. the local authority might give us information that we need to look after your child.

We will also share information with these people and organisations.

The sections below contain further information about where we get your child's personal data from and with whom it is shared.

The purposes for which we use your child's personal data and the lawful bases

The School uses your child's personal data in order to:

1. Teach your child and our other pupils;
2. Monitor the behaviour of your child and others and to take action where appropriate;
3. Look after your child and other people e.g. your child's friends;
4. 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; and
5. Fundraise, market and promote the School. For example, by using photos of our pupils in the School prospectus, on the School's website or on social media.

Under data protection law, the School can only use personal data if it has a lawful basis for doing so. The lawful bases that we are relying on when handling your child's personal data are as follows:

- **Legitimate interests:** This means that the School is using your child's personal data where this is necessary for the School's legitimate interests or someone else's legitimate interests.
 - Specifically, the School has a legitimate interest in:
 - educating and looking after its pupils;
 - complying with its agreement with you for your child to be at the School ;
 - investigating if something has gone wrong;
 - protecting, promoting and improving the School
 - This lawful basis only applies where our legitimate interests are not overridden by your child's interests, rights and freedoms. Legitimate interests applies to all of the 5 purposes listed above.
- **Public task:** This allows the School to use personal data where doing so is necessary in order to perform a task in the public interest or to exercise one of our functions or powers as a school. This basis applies to purposes 1, 2, 3 and 4 above. For example, when we teach and look after your child.
- **Legal obligation:** The School might need to use your child's personal data in order to comply with a legal obligation. For example, to report a concern to Children's Services. Occasionally the School may have a legal obligation to share your child's personal data with third parties such as the court.
- **Vital interests:** In limited circumstances we may use your child's personal data to protect your child's vital interests or the vital interests of someone else. For example, to prevent someone from being seriously harmed or killed

The section below contains more information about our purposes for using your child's personal data and the lawful bases.

Our purposes and lawful bases in more detail

This section contains more detail about the purposes for which your child's personal data is used, the applicable lawful basis or bases as well as further information about sources and recipients. It does not say anything different to what is set out above but goes into more detail.

- 1 Our main reason for using your child's information is to provide your child and other pupils with an education.
- 2 The School will also use your child's personal data to safeguard and promote your child's welfare and the welfare of others (for example, so that we can look after your child if they are hurt).
- 3 We will use information about your child during the admissions process e.g. when marking entrance exams and considering any information provided on the registration form.
- 4 We may let your child's previous school know if they have been offered a place at the School. This is because they have a legitimate interest in finding out what happens to their former pupils as this will help them support their other pupils when they leave the school.

- 5 The admissions forms which you complete give us personal data about your child, such as, their name, contact details, disabilities, any particular difficulties they have with work, hobbies and interests, medical information (such as information about an allergy) and family circumstances.
- 6 We get information from your child, his / her teachers and other pupils. Your child's old school also gives us information about how well your child did and any difficulties they had if we need this information to teach and take care of them.
- 7 Sometimes we get information from your child's doctor and other professionals where we need this to look after your child (L, P).
- 8 We need to tell all appropriate members of staff if your child has a health issue and use their medical information to look after them.
- 9 We will tell your child's teachers if he or she has special educational needs or requires extra help with some tasks.
- 10 We will need to share information about your child (e.g. about their health and wellbeing) with the School doctor.
- 11 We may use your child's personal data in relation to keeping the School safe from COVID-19. For example, we might record that your child has tested positive for the virus or that your child has received the vaccine. We have provided further information on how we use personal data in relation to the pandemic outside of this privacy notice.
- 12 If we have information that your child suffers from an allergy we will use this information so that we can look after your child.
- 13 If we have information that your child suffers from a disability we will use information about that disability to provide support.
- 14 Where appropriate, the School will have information about your child's religious beliefs or other beliefs and practices. For example, if your child does not eat certain foods.
- 15 We will also hold information such as your child's religion or ethnic group for the purposes of supporting equality of opportunity and informing work to understand and reduce ethnic disparities.
- 16 We use CCTV to make sure the School site is safe. Images captured of your child via CCTV will be your child's personal data. CCTV is not used in private areas such as changing rooms.
- 17 We will use your child's personal data to take other steps to make sure the school site and buildings are safe, for example, we keep a record of who is on the school sites at any given time.
- 18 We record your child's attendance and if he or she has time away from the School we record the reason(s) why.
- 19 We will need to report some of your child's information to the government (e.g. the Department for Education). We will need to tell the local authority that your child attends the School, if your child leaves the School or let them know if we have any concerns about your child's welfare. The local authority may also share information with us for these reasons.

- 20 We may need to share information about your child with the Health and Safety Executive (a government organisation) if there is a health and safety issue at the School.
- 21 The School is a charity which means that in exceptional circumstances we may need to share your child's personal data with the Charity Commission e.g. in the event of a serious incident.
- 22 When we are inspected by the Independent Schools Inspectorate or Ofsted we will have to make your child's personal data available to the inspectors to assist them with their inspection.
- 23 If the School receives a complaint or grievance that involves your child we will need to use their personal data to deal with this appropriately. For example, if you make a complaint or if another parent complains about an issue which involves your child.
- 24 The School may share information about your child with the local authority for the purpose of the preparation, implementation and/or review of your child's Statement of Special Educational Needs or Education Health and Care Plan.
- 25 We may use your child's personal data in connection with legal disputes.
- 26 We are legally required to provide the Department for Education with certain information about your child. Some of this information will be stored on the National Pupil Database. Organisations can request information from the National Pupil Database which includes information about your child. But they are only allowed to do this for limited purposes and they must be very careful about how they use your child's personal data. More information can be found here - <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.
- 27 We will need information about any court orders or criminal petitions that relate to your child. This is so that we can safeguard your child's welfare and wellbeing and the other pupils at the School.
- 28 If your child is from another country we have to make sure that they have the right to study in the UK. Sometimes the government will ask us to provide information as part of our reporting requirements. In addition to this we have a duty to provide information about your child to UK Visas and Immigration who are part of the government.
- 29 Depending on where your child will go when they leave us we will provide their information to other schools. For example, we will share information about your child's exam results and provide references. Any references that we provide will be confidential which means that you might not be provided with a copy.
- 30 If we hold safeguarding or child protection information about your child, we will share that with your child's next school.
- 31 If your child has a safeguarding file, we are legally required to pass this file to their next school.
- 32 If your child takes public examinations we will need to share information about them with examination boards. For example, if your child requires extra time in exams.

- 33 We may need to share information with the police and/or our legal advisers if something goes wrong or to help with an enquiry. For example, if one of your child's classmates is injured at School or if there is a burglary.
- 34 We use consultants, experts and other advisors to assist the School in fulfilling its obligations and to help run the School properly. We will share your child's information with them if this is relevant to their work.
- 35 If your child has misbehaved in a serious way, we may need to share information with the police and we may need to use information about the action taken by the police.
- 36 We may share some information with our insurance company to make sure that we have the insurance cover that we need or in connection with an actual or possible claim.
- 37 If the School is dealing with a request for information, query, complaint or grievance (e.g. from a parent), we may need to share your child's information with other parties if it is relevant and appropriate to do so. For example, with the appropriate staff, pupil or parent involved and governors.
- 38 If one of your child's teachers is subject to an internal disciplinary case and this has affected your child, we may need to use your personal child's personal data to investigate. We may also need to share your child's personal data with the government if it becomes involved, for example, if they need to make a decision regarding the teacher's ability to teach.
- 39 If you are based outside of the UK and have appointed an agent to act on your behalf during the admissions process (an overseas agent), then we may share information about your child with them. For example, we may send them the acceptance letter so that they can pass this on to you.
- 40 We will share your child's academic and (where fair) their behaviour records with you [● or their education guardian] so you can support their schooling. If your child has behaved badly in relation to one of their classmates (e.g. we suspect bullying) then we might share information with that pupil's parents (e.g. what sanction your child has been given).
- 41 If ever in the future, we are considering restructuring the charity which operates the School, we may share your child's personal data with the other parties involved and with the relevant professional advisors.
- 42 We will monitor your child's use of email, the internet and mobile electronic devices e.g. iPads.
- 42.1 In certain circumstances we will look at the content of your child's communications (e.g. emails and text messages). This is to check that your child is not misbehaving when using this technology or putting themselves at risk of harm.
- 42.2 If you would like more information about this you can read the acceptable use of IT and email policy. The monitoring we do is carried out using computer software which will automatically tell us if something is not right.
- 43 We publish our public exam results, sports fixtures and other news on the website and put articles and photos in the local news to tell people about what we have been doing.
- 44 We include photos and details of work your child has been doing in school in our newsletter, magazine, on our social media platforms and on the School website.

- 45 We will keep your child's contact details when they leave so we can keep them updated about what is happening at the School, to tell them about events and activities and find out how they are getting on. For more information about how we use your child's personal data after you have left the School please see the Fundraising and Development Privacy Notice on the School website www.themallschool.org.uk.
- 46 The School must make sure that its computer systems are working well and are secure. This may involve information about your child, for example, our anti-virus software might scan files containing information about your child.
- 47 We may share your child's personal data with the other schools / nurseries. For example, how well your child has behaved and their test results.
- 48 From time to time, we hire a third party to provide activities such as an external sports coach. We may share your child's personal data with them, for example, to tell them what sports they are good at.
- 49 Some of the records the School keeps and which contain your child's personal data may be used by the School (or by someone else such as the government) to check that the School has been a good school.
- 50 We also keep some information indefinitely for archiving purposes (this is known as "archiving in the public interest" under data protection law) and for historical research purposes.
- 50.1 This includes the School's legitimate interest in research; supporting long-term accountability; enabling the discovery and availability of the School's and the wider school community's identity, memory, culture and history; enabling the establishment and maintenance of rights and obligations and of precedent decisions; educational purposes; and commercial and non-commercial re-use.
- 50.2 For example, we keep some old photos so that we have a record of what the School was like in the past.
- 50.3 Information held in our archive may be made publicly available but this would only be done in compliance with data protection laws.
- 51 We will share your child's personal data with the governors of the School if it concerns something they should know about or which will enable them to fulfil their role as a governor. For example, this will apply if your child has done something really well or if there is a problem at the School they need to know about.

We will only share your child's personal data with other people and organisations when we have a good reason to do so. In exceptional circumstances we may need to share it more widely than we would normally.

As you will see from the information above, in some cases we will rely on more than one lawful basis for using your child's personal data.

We use service providers to handle personal data on our behalf for the following purposes:

- a) IT consultants who might access information about you when checking the security of our IT network;

- b) caterers may have information about any food allergies or intolerances that your child has;
- a) we use software, apps and websites to help us with teaching, and to help us provide pastoral support to our pupils. For example, we use an app which allows pupils to access homework which has been set by their teachers; and
- b) we use third party "cloud computing" services to store some information rather than the information being stored on hard drives located on the School site.

If you have any questions about any of the above, please speak to the Bursar.

Consent

We may ask for your consent to use your child's personal data in certain ways as an alternative to relying on any of the lawful bases above. For example, we may ask for your consent before taking or using some photos and videos if the photo or video is more intrusive and we cannot rely on legitimate interests. If we ask for your consent to use your child's personal data you can take back this consent at any time, but any use of your child's personal data before you withdraw your consent remains valid. Please speak to the Bursar if you would like to withdraw any consent given.

Sending information to other countries

When the School sends personal data outside of the UK, we have to consider if the other country has the same level of protection for personal data as there is in the UK. Some countries are considered by the UK Government to have adequate rules and this includes all of the European Economic Area and some other countries, such as, New Zealand, Argentina and Switzerland.

We will provide you with additional details about where we are sending your personal data, whether the country has an adequacy finding and if not the safeguards which we have in place outside of this privacy notice.

If you have any questions about the safeguards that are in place please contact the Bursar.

For how long do we keep your child's information?

We keep your child's personal data for as long as we need to in order to educate and look after them. We will keep a lot of information after your child has left the School, for example, so that we can find out what happened if you make a complaint.

In some cases we may keep your child's personal data for a longer time than usual, but we would only do so if we had a good reason and only if we are allowed to do so under data protection law.

Please see our Data Protection policy for more detailed information. This can be found on our website.

What decisions can you make about your child's personal data?

Data protection legislation allows you to exercise a number of rights regarding your child's personal data. The rights are as follows:

- **Correction:** if personal data held by the School about your child is incorrect or incomplete you can ask us to correct it.

- **Access:** you can also ask what personal data we hold about your child and be provided with a copy. This is commonly known as making a subject access request. We will also give you extra information, such as why we use this personal data about your child, where it came from and who we have sent it to.
- **Deletion:** you can ask us to delete the personal data that we hold about your child in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your child's personal data to you or to a third party in a format that can be read by computer in certain circumstances. This applies where (a) the information has been provided by you; (b) the basis that we are relying on to process your child's personal data is consent or contract (please see "Our purposes and lawful bases in more detail" above); and (c) the personal data is being processed by us on a computer.
- **Restriction:** you can request that we restrict how we use your child's personal data in certain circumstances. Please contact the Bursar if you would like to know more.
- **Object:** you may object to us using your child's personal data where:
 - we are using it for direct marketing purposes (e.g. to send you an email about a fundraising opportunity);
 - the lawful basis on which we are relying is either legitimate interests or public task . Please see the section "The purposes for which we use your child's personal data and the lawful bases" above;
 - If we ever use your child's personal data for scientific or historical research purposes or statistical purposes.

The Bursar can give you more information about your child's data protection rights.

Further information and guidance

The Bursar can answer any questions which you might have.

Like other organisations we need to keep your child's personal data safe, up to date, only use it for what we said we would, destroy it when we no longer need it and most importantly - treat the personal data we get fairly.

Please speak to the Bursar if:

- you would like to exercise any of your child's rights listed above; or
- you would like us to update the information we hold about your child; or
- you have any concerns about how your child's personal data is used or shared.

If you or your child fails to provide certain information when requested, we may not be able to perform our obligations under the contract we have entered into with you. We may also be prevented from complying with our legal obligations (such as to ensure the welfare of your child and their classmates). Failing to provide information may also adversely affect the education and care we are able to provide to your child.

You have a right to lodge a complaint with the Information Commissioner's Office (ico.org.uk). If you do have any concerns about how we have handled your child's personal data we would kindly ask

that you contact us in the first instance before you speak to the ICO so that we have an opportunity to put things right.