



Kensington Park
SCHOOL

PRIVACY NOTICE

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WHO WE ARE

Kensington Park School operates from two buildings either side of Kensington Gardens in London: Students in years 7 - 11 are taught at 40 – 44 Bark Place, W2 4AT; Sixth Form students are taught at 59 Queen's Gate, SW7 5JP. Boarders reside at Princess Beatrice House, 190 Finborough Road, SW10 9BA.

This Privacy Notice applies to Kensington Park School (the School) and by association to Astrum Education: there are several school activities which are centralised within Astrum Education (namely admissions, staff recruitment, sales & marketing, and finance) and therefore this Privacy Notice extends also to these activities since the two companies are closely linked in both data sharing practices and the perceptions of data subjects¹.

Astrum Education Ltd is the Data Controller for the purposes of the relevant legislation regarding Data Protection Law².

Astrum Education is a Private Limited Company, No: 08058545, registered to 59 Queen's Gate, SW7 5JP.

WHO THIS POLICY APPLIES TO

This notice applies to staff (including temporary staff, agency workers, volunteers and all other people when working in or for the School), Astrum Advisory Board members, current, past and prospective students and their parents, carers or guardians. It also applies to visitors to the School who may supply us with their personal data (e.g. when attending events or open days). We also have a summary notice for students.

WHAT THIS PRIVACY NOTICE IS FOR

This policy is intended to provide information about how the school will use (or "process") personal data about individuals including: its staff; its current, past and prospective students; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, parents and students are all encouraged to read this Privacy Notice and understand the school's obligations to its entire community. Students are supplied with a copy of the summary notice.

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

This Privacy Notice also applies in addition to the school's other relevant terms and conditions and policies, including:

- Any contract between the school and its staff, or the parents of students;
- Any policies or notices applicable to staff concerning the handling of personal data;
- The school's policy on taking, storing and using images of children
- the school's record retention procedures;
- the school's safeguarding, pastoral or health and safety policies (including CCTV), including as to how concerns or incidents are recorded and;
- the school's IT policies, including Acceptable Use, E-Safety, and Cyber Safety

¹ Data Subjects: means any living individuals whose data the Data Controller processes

² Since 25 May 2018, the relevant legislation includes both the [General Data Protection Regulation](#) (EU 2016/679) and the [UK Data Protection Act 2018](#), as well as other supporting legislation (e.g. e-Privacy, direct marketing).

Anyone who works for, or acts on behalf of, the school (including staff, volunteers, Astrum Advisory Board members and service providers) should also be aware of and comply with the school's data protection policy for staff, which also provides further information about how personal data about those individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

Mr Benjamin Tan, Business Director, is the nominated officer at Kensington Park School who works on behalf of the Data Controller to deal with all your requests and enquiries concerning the school's uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, students and parents, the school needs to process a wide range of personal data about individuals (including current, past and prospective staff, students or parents) as part of its daily operation.

Some of this activity the school will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its students.

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 will fall within that category of its community's "**legitimate interests**".

- For the purposes of student selection and admissions (and to confirm the identity of prospective students and their parents) including assessing eligibility for scholarship and means tested bursary awards;
- Providing educational services to our students including the administration of curricular and co-curricular activities, monitoring progress, processing entries for public examinations and other assessments, publishing those results and other student achievements, reporting and storing examination and assessment results, assessing educational needs. Reporting to parents on their child's progress (this includes reporting to agents/consultants who represent some families during the application process and in many cases on an ongoing basis throughout the student's education with us.)
- Providing other services to students including higher education applications and providing careers advice, administering IT systems in accordance with our E-Safety and Acceptable Use policies, administering school trips, providing resources (library and online), giving and receiving references for current, past and prospective students.
- For the purposes of fulfilling our duties as an employer including for the recruitment of staff, volunteers and contractors, conducting appropriate safeguarding checks as required by law, payroll and pension processing, keeping records of other staff matters including that relating grievances and disciplines, and providing and receiving references.
- 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 and census returns); to enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as

appropriate; (e.g. recording accidents in accordance with our health and safety policies) keeping records for insurance purposes or to obtain appropriate professional advice, keeping financial information to process invoices, fee accounts and manage debtors, compiling information for inspection by Ofsted or the Independent Schools Inspectorate, and for commercial operations

- Safeguarding our students and providing pastoral support including recording concerns and incidences of bullying, monitoring use of the internet (and email if required) in accordance with our E-Safety policy, and keeping records of pastoral support given.
- Promoting the aims and achievements of the School through our website, publications, and our social media platforms and sometimes in the media. This includes using images (and videos) of our students.
- To ensure our premises are secure including operating CCTV around our site and recording details of our visitors including taking and storing photographic images.
- Liaising with PHE and NHS systems related to Test and Trace as part of the UK response to Covid-19

In addition, the School will on occasion need to process **special category personal data** (concerning health, ethnicity, religion, biometrics or sexual life/orientation) 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 will include:

- To safeguard students' 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 or other relevant information where it is in the individual's interests to do so: for example for medical advice, for social protection, safeguarding, and cooperation with police or social services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs;
- To provide educational services in the context of any special educational needs of a student;
- To monitor the effectiveness of our equal opportunities policy
- In connection with employment of its staff, for example DBS checks, welfare, medical information, union membership or pension plans;
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEND, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);

- bank details and other financial information, e.g. about parents who pay fees to the school; to pay staff and other workers, and for the purposes of assessing means tested financial assistance
- past, present and prospective students' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academics, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the school about students, and relevant information provided by previous educational establishments and/or other professionals or organisations working with students;
- correspondence with and concerning staff, students and parents past and present; and
- images of students (and occasionally other individuals) engaging in school activities including lessons taught remotely, and images captured by the school's CCTV system.

HOW THE SCHOOL COLLECTS DATA

In most cases, the school receives personal data from the individual directly (including, in the case of students, from their parents). This may be via a paper form, a form using Firefly or simply in the ordinary course of interaction or communication (such as email or written assessments).

However in some cases personal data will be supplied by third parties (for example another school, or other professionals or authorities working with that individual);

In accordance with statutory recommendations we use internet monitoring software for students to monitor access to unsuitable content. We do not routinely monitor email or staff internet use but may do so as part of an investigation. Please refer to our IT Acceptable Use policies and E-Safety policy on the school website.

WHO HAS ACCESS TO PERSONAL DATA AND WHO THE SCHOOL SHARES IT WITH

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 to be held and accessed only by the school Nurse and appropriate medical staff (e.g. the school doctor) under her supervision, or otherwise in accordance with express consent; and
- confidential pastoral records held by the Deputy Head (Head of Pastoral)
- confidential safeguarding records held by the site-based DSL

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

- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- examination boards

- appropriate contractors, such as visiting music teachers
- Stage 3 complaints panels, which will include independent panel members; and government authorities (e.g. HRMC, DfE, CAFCASS, police or a relevant local authority)
- appropriate regulatory bodies e.g. ISI, Ofsted, Home Office (UK Visas and Immigration), HMRC, Pension providers, The Information Commissioner
- NHS and PHE

In addition the school has data sharing arrangements with other third parties:

- EduCare: for the provision of online training for staff
- ADP: For purposes of payroll
- External caterers - currently Holroyd Howe - for notification of staff/student food intolerances and allergies
- School uniform suppliers (for student size and fittings)
- Some overseas trip companies (for overnight accommodation and medical health matters)

Student personal data will be shared with awarding bodies for the purpose of examining and awarding qualifications. Awarding bodies in turn may be required to provide our students' personal data to educational agencies such as the DfE, Local Authorities and UCAS. This data may also be used for statistical and policy development purposes.

ACCESS TO SENSITIVE DATA

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

- medical records; and
- pastoral or safeguarding files.

Medical data. The school needs to process such information to comply with statutory duties and to keep students and others safe, but the school will ensure only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for school trips or for catering purposes. Express consent will be sought where appropriate.

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

Safeguarding data. Staff, students and parents are reminded that the school is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education (Sept 2020) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police.

KCSIE also requires that, whenever a child leaves the school to join another school or college, his or her child protection file is promptly provided to the new organisation. The school will retain a copy in accordance with its retention policy for material related to safeguarding matters.

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, 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.

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 student 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 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 Business Director by email: benjamin.tan@astrumeducation.com 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 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").

YOUR RIGHTS

Individuals (both students and parents) have various rights under Data Protection Law to access and understand their own personal data held and processed by the school, and in some cases ask for it to be erased or amended, or to have it transferred elsewhere, or for the school to stop processing it – but subject to certain exemptions and limitations.

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 generally one month, but actually fulfilling more complex or multiple requests, e.g. those involving third party information, may take 1-2 months longer).

- Rights of access

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 Data Protection Law allows it).

If you consider that the personal data we hold on you is inaccurate, please let us know. However, the school will not necessarily delete or amend views, opinions, notes or records purely on the request of an individual who disputes the account, although we may keep a record of all parties' viewpoints.

- Requests that cannot be fulfilled

You should be aware that GDPR rights (including the right of access) are limited to your own personal data, and certain data is exempt. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations – please see further below), 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 student examination scripts (or other information consisting solely of student test answers – although markers' comments may still be disclosable if they constitute student personal data), provide examination or other test

marks ahead of their ordinary publication date; nor share any confidential reference held by the school that was (or will be) given for the purposes of the education, training, appointment 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 proportionate legitimate interest identified in this Privacy Notice. Generally, if the school still considers the processing of the personal data to be reasonably necessary, it is entitled to continue. All such requests will be considered on their own merits.

- Requests by or on behalf of students

Students 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 student of any age may ask a parent or other representative to make a subject access request on his/her behalf.

Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger students, the law still considers the information in question to be the child's. For older students, the parent making the request may need to evidence their child's authority for the specific request. Requests not considered in the child's best interests may sometimes be refused.

We expect our students in the sixth form, and to some extent students above year 9 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.

- Parental requests, etc.

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 students without their consent. The school may consider there are lawful grounds for sharing with or without reference to that student.

Parents will in general receive educational and pastoral updates about their children, in accordance with the Parent Contract. 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, court orders, or pastoral issues.

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

- Consent

Where the school is relying on consent as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Examples where we do rely on consent are for the certain use of images (e.g. if we wish to publish in the press) or for attending school trips. 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 or parent contract, or because a purchase of goods, services or membership.)

- 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 students – for example, under the parent contract, or via a form. Parents and students 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 student's age and understanding – to seek the student'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 students' 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 student's activities, progress and behaviour, and in the interests of the student's welfare. That is unless, in the school's opinion, there is a good reason to do otherwise.

However, where a student 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 student or other students, or if required by law.

Students are required to respect the personal data and privacy of others, and to comply with the school's ICT Code of Conduct and E-Safety Policy. Staff are expected to comply with the ICT Acceptable Use Policy.

DATA ACCURACY AND SECURITY

The school will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the Business Director, Data Officer, of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the school may need to process your data, of who you may contact if you disagree.

The school will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to school systems. All staff and Astrum Advisory Board members will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

THIS POLICY




The school will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable.

QUERIES AND COMPLAINTS

Any comments or queries on this policy should be directed to the Business Director using the following contact details:

benjamin.tan@astrumeducation.com

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 contact the Data Officer (Business Director). If you feel unable to contact the Business Director, you should contact the clerk to the Astrum Advisory Board. 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.

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Kensington Park School, Lower School	40-44 Bark Place London W2 4AT
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Clerk to Astrum Advisory Board	 clerk@astrumeducation.com
Information Commissioner's Office	 0303 123 1113 www.ico.org.uk