



Reviewed (CLT) June 2018

St Michael's School is a registered Data Controller for the purposes of the Data Protection (Jersey) Law 2018, which means it determines how an individual's personal data is processed and for what purpose. The Data Protection Office (DPO) within the school can be contacted on dpo@stmichaels.je

Introduction

This policy is intended to provide information on how St Michael's processes personal data about individuals including staff, contractors, current, past and prospective pupils and their parents, carers or guardians (referred to in this policy as 'parents') and what we do with that information. It also explains the decisions that you can make about your own information.

This information is provided in accordance with the rights of individuals under the [Data Protection \(Jersey\) Law 2018](#), to understand how their data is used. School staff, parents and pupils are all encouraged to read this Privacy Policy and understand St Michael's obligations to its entire community.

This Privacy Policy 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 Policy also applies in addition to the School's Standard Terms and Conditions and other relevant policies including:

- any contract between the School and its staff, contractors, or the parents of pupils;
- the School's safeguarding and pastoral policies
- the School's Health and Safety policy, including how concerns or incidents are recorded;
- the School's IT policies, including its Acceptable Use Policies and E-safety Policy
- the retention of records policy (reference: States of Jersey Education retention Policy);

Anyone who works for, or acts on behalf of, the School (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Policy and the School's Data Protection Policy, which also provides further information about how personal data about those individuals may be used.

Responsibility for Data Protection:

The School as 'Data Controller' will endeavour to ensure that all personal data is processed in compliance with this policy and the [Data Protection \(Jersey\) Law 2018](#). If you have any questions about this policy please contact the DPO using the following email address: dpo@stmichaels.je.

What is Personal Data?

Personal data is information that identifies you as an individual and relates to you. This includes your contact details, next of kin and financial information. We may also hold special category information such as your religion or ethnic group. CCTV, photos and video recordings of you are also personal information.

Why St Michael's Need to Process Personal Data:

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

Some of this activity needs to be carried out in order for St Michael's to fulfil its legal duties, rights and obligations - including those under a contract with its staff and contractors, or parents of its pupils.

Other uses of personal data will be made in accordance with St Michael's **legitimate interests**, or the legitimate interests of another, for example, a senior school to which the parent of a child is applying, provided that these are not outweighed by the impact on individuals and provided it does not involve special or sensitive types of data (see special categories).

St Michael's expects that the following uses may fall within the category of 'legitimate interest':

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To provide education services, including musical education, physical training or spiritual development, extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Maintaining relationships with alumni and the St Michael's community, including direct marketing or fundraising activity;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as Social Security, ITIS and Education Department);
- To enable relevant authorities (eg. ISI (Independent Schools Inspectorate)) to monitor the School's performance and to intervene or assist 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 staff;
- To enable pupils to take part in national or other assessments;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To fulfil our contractual and legal obligations;
- To monitor (as appropriate) use of the School's IT and communications systems in accordance with the St Michael's IT /iPAD 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 Standard Terms and Conditions (Ref: *d:Data Protection*);
- For security purposes, including the use of CCTV;
- 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 for example, health or religion) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons may include:

- 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 educational services in the context of any special educational needs of a pupil;
- In connection with employment of its staff, for example DBS checks, welfare or pension plans;
- For legal and regulatory purposes (for example child protection and health and safety) and to comply with its legal obligations and duties of care.

Types of personal data processed by St Michael's:

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;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), employment information and examination scripts and marks;
- Past, present and prospective staff employment information;
- where appropriate, information about individuals' health, and contact details for their next of kin;
- 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, and images captured by the School's CCTV system;
- information relating to past, present and prospective School staff;

How St Michael's Collects Personal Data:

Generally, St Michael's 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.

Who has Access to Your Personal Data and Who St Michael's Shares it with:

Occasionally, St Michael's will need to share personal information relating to its community with third parties, such as professional advisers (lawyers and accountants) or relevant authorities (Social Security, Tax Office, police or other local authority).

For the most part, personal data collected by St Michael's will remain within the School, and will be processed by appropriate individuals only in accordance with access protocols. Particularly strict rules of access apply in the context of:

- medical records held and accessed by appropriate staff or otherwise in accordance with express consent
- safeguarding files

However, a certain amount of any medical, pastoral and SEN pupil's 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.

Staff, pupils and parents are reminded that the School is under duties imposed by law and statutory guidance 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 staff or safeguarding files, and in some cases referrals to relevant authorities such as Social Services (MASH) or the police. For further information about this, please view the School's Safeguarding Policies.

For the purposes of maintaining a safe and secure environment, the School reserves the right to monitor all internet traffic through its filtering systems and all domain joined devices through e-Safe monitoring software and services.

Finally, in accordance with [Data Protection \(Jersey\) Law 2018](#), some of the School's processing activity is carried out on its behalf by third parties, such as IT systems, web developers, cloud storage and social media providers (eg Facebook and Twitter). Where possible this is subject to contractual assurances that personal data will be kept securely and in accordance with the School's specific directions.

Financial information:

We will process financial information about you in relation to the payment of fees. In some cases we get information about you from third parties such as credit reference agencies or from your child's previous school(s).

We may hold information about bankruptcy petitions and statutory demands.

We may search the files of any licensed credit reference agency in order to verify your identity. This also allows us to assess your application for the award of a bursary or for credit in contemplation of an agreement for the deferment of fees. The credit reference agency may keep a record of that search and details about your application. This record will be seen by other organisations which make searches about you.

Sharing personal information with third parties:

In accordance with our legal obligations, we may share information with the local (Jersey) authorities, the Independent Schools Inspectorate and the Department for Education (both local and UK), for example, where we have any safeguarding concerns.

- On occasion, we may need to share information with the police or other authority.
- We may also need to share information with our legal advisers for the purpose of obtaining legal advice.

- Occasionally we may use consultants, experts and other advisors to assist the School in fulfilling its obligations and to help run the School properly. We might need to share your information with them if this is relevant to their work.
- If your child is not of British nationality we may have to make sure that your child has the right to study in Jersey. We might have to share information about you to Jersey Customs and Immigration to comply with our duties.
- We may share some information with our insurance company, for example, where there is a serious incident at the School.
- If you have unpaid fees while your child is at St Michael's we may share information about this with other schools or educational establishments to which you intend to send your child.
- If your child leaves us to attend another school we may need to provide that school with information about you. For example, details of family circumstances for safeguarding reasons.
- We may share information about you with others in your family, such as another parent or step-parent. For example, where this is part of our obligation to take care of your child, as part of our wider legal and regulatory obligations, or in connection with school fees.
- We may need to share information if there is an emergency, for example, if you are hurt whilst on School premises.

Our Legal Grounds for Using Your Information:

This section contains information about the legal basis that we rely on when handling your information.

Legitimate interests:

This means that the processing is necessary for legitimate interests except where the processing is unfair to you. The School uses legitimate interest for most of the ways in which it processes your information.

Specifically, the School has a legitimate interest in:

- Providing educational services to your child;
- Safeguarding and promoting the welfare of your child (and other children);
- Promoting the objects and interests of the School. This includes fundraising. It also includes making sure that we are able to enforce our rights against you, for example, so that we can contact you if unpaid school fees are due;
- Facilitating the efficient operation of the School; and
- Ensuring that all relevant legal obligations of the School are complied with.

In addition your personal information may be processed for the legitimate interests of others. For example another school will have a legitimate interest in knowing if you have not paid school fees that are due to us.

If you have any queries about using your personal data where we are relying on our legitimate interests as explained above please contact the DPO.

Contractual Requirement:

We will need to use your information in order to perform our obligations under our contract with you. For example, we need your name and contact details (including email address) so that we can update you on your child's progress and so that we can contact you if there is a concern.

Legal obligation:

Where the School needs to use your personal data in order to comply with our legal obligations, for example to report a concern to the Jersey Children's Services. We may also have to disclose your information to third parties such as the courts, the local (Jersey) authority or the police where legally obliged to do so.

Vital interests:

For example, to prevent someone from being seriously harmed or killed.

Public interest:

The School considers that it is acting in the public interest when providing education.

Special Categories (sensitive) personal data:

The School must also comply with an additional condition where it processes special categories of personal information. These special categories are as follows: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, sexual orientation, biometric information and health information.

We may ask for your **consent to use your (special category) information** in certain ways. If we ask for your consent to use your 'special category' personal data you can take back this consent at any time. **Any use of your 'special category' personal data before you withdraw your consent remains valid.** Please speak to the DPO if you would like to withdraw any consent given.

Sending information to other countries

We may send your information to other countries where:

- we store information on computer servers based overseas; or
- we communicate with you or your child when you are overseas (for example, during the summer holidays).

The European Commission has produced a list of countries which have adequate data protection rules. The list can be found here: http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm

If the country that we are sending your information to is not on the list or, is not a country within the EEA (which means the European Union, Liechtenstein, Norway and Iceland) or part of the Privacy Shield ([EU-U.S. and Swiss-U.S. Privacy Shield](#)) then it might not have the same level of protection for personal information as there is in the UK (including Jersey)

How Long Do St Michael's 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. Some information may be kept indefinitely for historical, research or statistical purposes. Typically, the legal recommendation for how long to keep ordinary staff files is up to 7 years (and to the end of a pupils education eg when they reach 21) following departure from the School. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements. In exceptional circumstances we may keep your

information 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.

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 the DPO. However, please bear in mind that the School may have lawful and necessary reasons to retain some data.

Keeping in Touch and Supporting the School:

St Michael's 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, St Michael's Parents Association (SMPA) or alumni events of interest, including by sending updates and newsletters, by email and by post.

Unless the relevant individual objects, St Michael's may also:

- 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 SMPA;
- Contact parents and/or alumni by post and email in order to promote and raise funds for the School and where appropriate, other worthy causes;
- Should you wish to limit or object to any such use, or would like further information about them, please contact the DPO in writing. You always have the right to withdraw consent, where given, or otherwise object to marketing or fundraising. However, the School may need nonetheless to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

Your Rights:

Individuals have various rights under the [Data Protection \(Jersey\) Law 2018](#) 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, should put their request in writing to the DPO at dpo@stmichaels.je

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. St Michael's reserve the right to decline a request if the request is manifestly excessive or similar to previous requests where [Data Protection \(Jersey\) Law 2018](#) allows it.

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal professional privilege. The School is also not required to disclose any pupil examination scripts, nor any confidential reference given by the School for the purposes of the education, training or employment of any individual.

Pupils where supported by their parents, can make subject access requests for their own personal

data, Indeed, while a person with parental responsibility will generally be expected 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 legal representative to make a subject access request on their behalf, and moreover (if of sufficient age) their consent or authority may need to be sought by the parent. Students aged 13+ are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Students younger than 13 may be sufficiently mature to have a say in this decision. All subject access requests from students will therefore be considered on a case by case basis.

Where St Michael's is relying on consent as a means to process personal data (eg Special Category 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 Policy or may otherwise exist under some form of contract or agreement with the individual (e.g. an employment or parent contract, or because a purchase of goods, services or membership of an organisation has been requested).

Whose Rights?:

The rights under [Data Protection \(Jersey\) Law 2018](#) belong to the individual to whom the data relates. However, the School will generally rely on parental consent to process personal data relating to pupils (if consent is required). unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on 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, 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 students, or if required by law.

Pupils are required to respect the personal data and privacy of others, and to comply with the School's relevant policies, e.g. IT /iPAD Acceptable Use Policies and the School Rules. Staff are under professional duties to do the same, covered under the relevant staff policy/ies.

Data Accuracy and Security:

St Michael's 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 the School at the earliest opportunity and at the very least on an annual basis of any changes to information held about them. **Responsibility for changes in information relating to pupils rests with the parents.**

An individual has the right to request that any inaccurate or out-of-date information about them is **erased or corrected** (subject to certain exemptions and limitations as described in this Privacy Policy).

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 School staff are made aware of this policy and their duties under Data Protection Law and receive relevant training.

Further Information and Guidance:

If an individual believes that St Michael's has not complied with this policy or acted otherwise than in accordance with Data Protection (Jersey) Law 2018, they should notify the DPO and/or Headmaster and if necessary utilise the School's complaints procedure. School can also make a referral to, or lodge a complaint with the [Office of the Information Commissioner](#) (OIC), although the OIC recommends that steps are taken to resolve the matter with the School before involving the regulator.

Like other organisations we need to keep your information 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 information we hold fairly.

If you have any queries regarding this policy please contact St Michael's Data Protection Office (DPO) using the following email address: dpo@stmichaels.je