

Privacy Notice

Who we are

Loretto School (the School) is an independent co-educational day and boarding school for children in the age range 4 to 18. It is a registered charity and a company limited by guarantee, employing both teaching and support staff. The Board of Governors of the School accepts collective responsibility for decisions made in name of the School but delegate day to day responsibility for the management of the School and the care of the pupils to the Headmaster.

The following Loretto organisations are covered by this document:

- Loretto School.
- The Loretto Foundation.
- The Lorettonian Society.

What this policy 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 and prospective pupils; their parents, carers or guardians (referred to in this policy as "parents"); and members of its alumni society.

This information is provided in accordance with the rights of individuals under Data Protection Law (the Data Protection Act 2018 and any legislation that, in respect of the United Kingdom, replaces, or enacts into United Kingdom domestic law, the General Data Protection Regulation (EU) 2016/679, the proposed Regulation on Privacy and Electronic Communications or any other law relating to data protection) to enable them to understand how their data is used. Staff, 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 its staff or the parents of pupils;
- the School's policy on taking, storing and using images of children;
- the School's CCTV policy;
- the School's retention of records 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, including its Acceptable Use policy, eSafety policy, Wi-Fi policy, Remote Working policy and Bring Your Own Device 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 Notice and the School's data protection policy for staff, which also provides further information about how personal data about individuals will be used.

Responsibility for data protection

The School has appointed Susanne Morrison, Chief Operating Officer, as 'Privacy and Compliance Officer'. She will deal with all your requests and enquiries concerning the School's uses of 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:

Ms Susanne Morrison
Chief Operating Officer
Loretto School
1-7 Linkfield Road
Musselburgh
EH7 7RE

E: coo@loretto.com
T: 0131 653 4500

Why the School needs to process personal data - Lawful basis for processing

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

The School will need to carry out some of this activity in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff or with 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 third parties, provided that these are not outweighed by the impact on the individuals concerned, and provided it does not involve special or sensitive types of personal data.

The School expects that the following uses of personal data 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 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 alumni and the School community, including direct marketing or fundraising activity;
- for the purposes of donor due diligence, and to confirm the identity of prospective donors, their background and relevant interests;
- for the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity or gender pay gap analysis and taxation records);
- 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;
- the School's Development Department will use the alumni database to contact those who have consented to being approached by the department.
- to monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's Email and internet policy, social media policy and bring Your Own device policies.
- 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.

As well as legitimate interests most commonly, the School will use personal information in the following circumstances:

- When it is needed to perform staff members' contracts of employment;
- When it is needed to comply with a legal obligation
- When it is necessary to protect staff members' interests (or someone else's interests); of
- When it is necessary in the public interest or for official purposes.

In addition, the School may need to process **special category personal data** (concerning health, trade union membership, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out PVG 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 from individuals, 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;
- to provide spiritual education in the context of any religious beliefs;
- in connection with employment of its staff, for example PVG checks, welfare or pension plans;
- 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.

The School may process special categories of personal information in the following circumstances:

- In limited circumstances, with explicit written consent;
- in order to meet legal obligations;
- when it is needed in the public interest, such as for equal opportunities monitoring or in relation to the School's occupational pension scheme; or
- when it is needed to assess working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, the School may process this type of information where it is needed in relation to legal claims or where it is needed to protect a staff member's interests (or someone else's interests) and the staff member is not capable of giving consent, or where a staff member has already made the

information public. The School may use particularly sensitive personal information in the following ways:

- information relating to leaves of absence, which may include sickness absence or family related leaves, may be used to comply with employment and other laws;
- information about staff members' physical or mental health, or disability status, may be used to ensure health and safety in the workplace and to assess fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits;
- information about race or national or ethnic origin, religious, philosophical or moral beliefs, or sexual life or sexual orientation, may be used to ensure meaningful equal opportunity monitoring and reporting; and
- information about trade union membership may be used to pay trade union premiums, register the status of a protected staff member and to comply with employment law obligations.

Lawful processing of information about criminal convictions

The School envisages that it will hold information about criminal convictions. If it becomes necessary to do so, the School will only use this information where it has a legal basis for processing the information. This will usually be where such processing is necessary to carry out the School's obligations. Less commonly, the School may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect a staff member's interests (or someone else's interests) and the staff member is not capable of giving consent, or where the staff member has already made the information public.

The School will only collect information about criminal convictions if it is appropriate given the nature of the role and where it is legally able to do so.

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 of its current, past and prospective staff, parents and pupils;
- 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 or those who pay subscriptions to the Lorettonian Society;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- where relevant, the details of the pupil's visa allowing them to study in the UK;
- 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;
- images of pupils (and occasionally other individuals) engaging in school activities, and images captured by the School's CCTV system (in accordance with the School's policy on taking, storing and using images of children);
- Alumni's academic, extra-curricular and sporting achievements;
- Alumni's places of past and further education;
- Alumni's employment history;
- Alumni's marital status and spouse's name; and,
- Staff details (references, criminal records, banking details, etc.)

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 (for example, this will be done if a bursary application has been made). In order that the database is accurate and as up to date as possible, The Lorettonian Society also collects information from publicly available resources, such as LinkedIn and the Honour's List. If new information is obtained from these sources then the alumni involved will be contacted to authorise the update to their record.

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 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 appropriate medical staff, or otherwise in accordance with express consent; and,
- pastoral or safeguarding files.

However, a certain amount of any 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.

If a pupil has a food allergy, their photo and a list of allergens will be displayed in the relevant school kitchen and accessible by the kitchen staff. Pupils who have a care plan will have that information held in a folder in the relevant House offices for reference by all house staff. In the Junior School, this information will be in a folder in the pupil's classroom.

Staff, pupils and parents are reminded that the School is under duties imposed by law and statutory guidance (including [Keeping Children Safe in Education](#)) 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 the LADO 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 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.

The retention time for staff, pupil and parent information is detailed in our File Retention policy, a summary of which is shown in the table below:

Pupil reports and performance records	Deleted once the data subject is 25 years old
Internal exam results	7 years
External exam results	If consented to by the data subject then will hold for 25years
Pupil medical records	Deleted once the data subject is 35 years old
Special educational needs information	Reviewed individually and deleted as appropriate by Support for Learning
Accident or Incident forms	Lifetime of the data subject
Child protection	Until the data subject is 35 years old unless the incident was reported to external agencies then it will be kept indefinitely
Staff personnel documents	7 years after employment ends
Staff pension and benefits details	Indefinitely
Job applications, interview notes and rejection letters	Deleted 6 months after the post applied for closing date

Due to the Scottish Child Abuse Inquiry, no records are currently destroyed. Once this Inquiry has been completed and the statutory obligation to retain records no longer applies, then the above retention summary will be applied.

The School will keep relevant documentation it thinks will be necessary to protect itself from future claims.

The School will keep alumni names and attendance periods indefinitely for “historical archive purposes”. Individuals can request that other information relating to them be erased and the School will deal with such requests in accordance with the 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: COO, coo@loretto.com, 0131 653 4500. However, please bear in mind that the School may have lawful and necessary reasons to hold on to some data.

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 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:

- 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 Old Lorettonian Society and its associated clubs.
- Contact parents and/or alumni (including via the organisations above) 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 COO in writing. You always have the right to withdraw consent, where consent has been given for processing, or otherwise object to processing, including direct marketing or fundraising. However, the School may need to retain some of your details (your name and some contact details) to ensure that the processing you have objected to no longer takes place.

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, should put their request in writing to the COO.

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 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 (though examiners' comments may be disclosed), nor any confidential reference given by the School for the purposes of the education, training or employment of any individual.

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 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 legally authorised representative to make a subject access request on his/her behalf, and moreover (if of sufficient age) their consent or authority may need to be sought by the parent. Pupils aged 12 years are presumed in law to have this level of maturity, although this presumption may be challenged in certain circumstances. Children younger than 12 years may be sufficiently mature to have a say in this decision. All subject access requests from pupils will therefore be considered on a case by case basis.

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). Please be aware however that the School may have another lawful reason to process the personal data in question even without an individual's 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 has been requested).

For the avoidance of doubt, under certain circumstances staff members have the right to:

- Request access to personal information (commonly known as a "data subject access request").
- Request erasure of personal information.
- Object to processing of personal information where the Company is relying on a legitimate interest (or those of a third party) to lawfully process it.
- Request the restriction of processing of personal information.
- Request the transfer of personal information to another party.

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 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 operate on the basis that pupils' consent is not required for ordinary disclosure of their personal data to their parents in connection with the provision of education to pupils, 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 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 policies, as set out in 'School Policies – A Pupil Guide'. Staff are under professional duties to do the same covered under the 'Employment Manual – Academic and Support Staff'.

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. Parents and pupils must please notify the COO of any changes to information held about them.

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 under Act): please see above.

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 Governors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

Queries and complaints

Any comments or queries on this policy should be directed to Susanne Morrison, COO, using the following contact details

Chief Operating Officer
Loretto School
1-7 Linkfield Road
Musselburgh
EH7 7RE

E: COO@loretto.com
T: 0131 653 4500

If a member of staff believes that the School has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should follow the steps outlined in the Grievance Procedure in the Employment Manual and should also notify the COO. For other individuals, the matter can be raised directly with the COO.

A referral can also be made, or a complaint can be lodged, with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve a matter where possible with a data controller, i.e. the School, before involving the UK ICO.

Controls

Data Published / Issued	August 2019
Date Effective From	August 2019
Version / Issue Number	1.3
Document Type	Non-Contractual Policy
Document Status	Approved
Author	I Molan
Owner	S Morrison
Contact details	COO@loretto.com
Approvals	COO / Headmaster
Distribution	All staff VLE / SALT

Revision History:

Version:	Summary of Changes:	Date:	Name:
1.2	Reviewed and no update	19/12/2019	Irene Molan
1.3	Updates based on LAW review of Employment manual and not previously applied to this section.	29/9/2020	Irene Molan

Approvals: This document requires the following signed approvals.

N.B. All documents need to be sent to the Policy and Compliance Officer for approval.

Name:	Date:	Version:
SALT Owner	22/10/2020	1.3
Policy & Compliance Officer (Compulsory)	22/10/2020	1.3