



## PRIVACY NOTICE

### WHO WE ARE

This Privacy Notice is provided by New Model School Company Limited, Company No.4892739 (the Data Controller), whose registered office is 62A Crownhill Road, London NW10 4EB, in order to comply with the relevant Data Protection Law (the details of which are listed at the end of this notice).

New Model School Limited (referred to as NMS throughout this notice) manages Faraday School (referred to throughout this notice as "the School") whose premises are at The Old Gate House, 7 Trinity Buoy Wharf, London E14 0FH.

Faraday School is an independent school, educating children between the ages of 4-11 years old.

### WHAT THIS PRIVACY NOTICE IS FOR

This policy is intended to provide information about how NMS and the School acting on behalf of NMS will use (or "process") personal data about individuals including: its staff; its current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents"). Collectively, we refer to these individuals in the Privacy Notice as NMS and the School's community.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand NMS and the School's obligations to its entire community. However NMS also has a separate **Staff Privacy Notice** and **Staff Data Protection and Handling policy** applicable to its employees and other staff, contained within the NMS Staff handbook.

This Privacy Notice applies alongside any other information NMS and 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 NMS and the School's other relevant terms and conditions and policies, including:

- any contract between NMS and its staff or the parents of pupils;
- 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 **CCTV policy**
- the School's **Child Protection and Safeguarding** and **Health and Safety** related policies, including as to how concerns or incidents are recorded; and
- NMS and the School's IT policies, including its **E-Safety policy**, relevant sections in the **Staff Code of Conduct policy**, **Acceptable Use of IT and Remote Working policy** and **Bring Your Own Device policy**.

Anyone who works for, or acts on behalf of NMS and the School (including staff, volunteers, directors, advisors and service providers) should also be aware of and comply with this Privacy Notice.

#### RESPONSIBILITY FOR DATA PROTECTION

- The Chief Executive Officer of the New Model School Company will act as NMS's Privacy and Compliance Officer. Who will deal with all your requests and enquiries concerning NMS and 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 NMS AND THE SCHOOL NEED TO PROCESS PERSONAL DATA

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

Some of this activity NMS and 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, and parents of its pupils.

Other uses of personal data will be made in accordance with NMS and the School's legitimate interests, or the legitimate interests of another party, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

NMS and the School expects that the following uses will 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), and retain a record if appropriate for the purposes of future applications or openings.
- To provide education services, including musical education, physical training and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs, including where such services are provided remotely (either temporarily or permanently)
- Maintaining relationships with alumni and the School 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 tax, diversity or gender pay gap analysis );
- 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 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.
- To enable pupils to take part in external and internal assessments, and to publish the achievements of pupils of the School;
- To safeguard pupils' health and welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's **e-Safety policy** and **Acceptable Use of IT policy**
- To make use of photographic images of pupils in school publications, on the School website and (where appropriate) on the School's social media channels in accordance with the School's policy on **Taking, storing and using images of children**;
- For security purposes, including CCTV in accordance with the School's **CCTV policy**;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for NMS and the School's purposes, including to obtain appropriate professional advice and insurance for the School.

In addition, NMS and the School will on occasion need to process **special category personal data** (for example concerning health and ethnicity) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on them by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will 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 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 comply with public health requirements in respect of Covid 19 (or similar) testing: including processing the results of tests taken by pupils or other members of the school community and sharing this information with relevant health authorities.
- 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, 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 health and safety and immigration) and to comply with their legal obligations and duties of care.

#### TYPES OF PERSONAL DATA PROCESSED BY NMS AND THE SCHOOL

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- bank details and other financial information, e.g. about parents (or others) who pay fees to NMS, and any anti-money laundering information we are required to collect by law.
- past, present and prospective pupils' 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;
- nationality and other immigration status information (eg right to live/study) including copies of passport information.
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the School about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;

- correspondence with and concerning staff, pupils and parents past, present and;
- 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**);

### HOW NMS AND THE SCHOOL COLLECTS DATA

Generally, NMS and 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 will 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 PERSONAL DATA AND WHO THE SCHOOL SHARES IT WITH

Processing by third parties.

For the most part, personal data collected by NMS and the School will remain within the NMS Head office and the School, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). However, some functions are outsourced including for example payroll processing, IT support and cloud storage provision. In accordance with Data Protection Law, this type of external data processing is always subject to contractual assurances that personal data will be kept securely and used only in accordance with the NMS and School's specific directions.

Data sharing.

Occasionally, NMS and the School – including its directors and advisors– will need to share personal information relating to its community of staff, pupils and parents with third parties, such as:

- The Friends of Faraday (the School's parents association)
- appropriate contractors, such as visiting music teachers;
- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- examination boards;
- Stage 3 complaints panels, which will include independent panel members; and
- government authorities (e.g. HMRC, DfE, CAF/CASS, police, Home office, a relevant public health /NHS body and/or a relevant local authority) and/or appropriate regulatory bodies e.g. the **Teaching Regulation Agency**, the **Independent Schools Inspectorate**,

## 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:

NMS and the School needs to process such information to comply with statutory duties and to keep pupils and others safe, but NMS and the School will ensure only authorised staff can access information on a need-to-know basis. However information on drug reactions, major allergies and notable conditions will be available to all staff likely to have care of a pupil, particularly if the staff are required to administer medication or treatment.

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 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.

Safeguarding data:

Staff, pupils and parents are reminded that the school is under duties imposed by law and statutory guidance (including **Keeping Children Safe in Education or KCSIE**) 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, low level concerns records kept about adults (which may include references to children or family members) and in some cases referrals to relevant authorities such as the LADO or Children's services, CAMHS or the police.

KCSIE also requires that, whenever a child leaves a school to join another school or college, his or her child protection file is promptly provided to the new organisation, along with any other information which the school's Designated Safeguarding Lead considers material to the ongoing care needs of any pupil. Where appropriate the School will consult with the parents as to how these needs are best served, but ultimately the decision as to what information to share with the new school is a safeguarding question that must be reserved for the school. 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**.

In addition at class level the School maintains logs detailing behaviour, alleged bullying incidents, accidents and any other minor incidents noting where these have affected/are affecting any given child.

### HOW LONG WE KEEP PERSONAL DATA

NMS and 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 personnel files is for a minimum of 7 years following the end of their employment with NMS and for pupil files until the individual reaches their 25<sup>th</sup> birthday, with the exception of Special Educational Needs records which are retained for 35 years. 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 Privacy and Compliance Officer based at New Model School Head Office. However, please bear in mind that we will often have lawful and necessary reasons to hold on to some personal data even following such a request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested we no longer keep in touch with you, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

### KEEPING IN TOUCH AND SUPPORTING THE SCHOOL

NMS and the School will use the contact details of prospective parents, parents, alumni and other members of the School community to keep them updated about the activities of the School, or about alumni and parent events of interest, including sending updates and newsletters by email and by post. Unless the relevant individual objects, we will 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 Friends of Faraday
- Contact parents and/or alumni (including via the Friends of Faraday) by post and email in order to promote and raise funds for the School
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Privacy and Compliance Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, we are

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

NMS and 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, etc.

NMS and the School will be better able to respond quickly to smaller, targeted requests for information made during term time. If the request for information is manifestly excessive or similar to previous requests, NMS and the School may ask you to reconsider, or require a proportionate fee (but only where Data Protection Law allows it and in accordance with relevant regulatory guidance).

If you consider that the personal data we hold on you is inaccurate, please let us know. However, NMS and 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 ) is limited to your own personal data, and certain data is exempt from. 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 NMS, or documents prepared in connection with a legal action).

The School is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers- although markers' comments may still be disclosable if they constitute pupil personal data), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference held by the School that was (or will be) given for the 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 NMS and 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 pupils

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of NMS and the School, they have sufficient maturity to understand the request they are making (see section **Whose Rights?** below). A pupil 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 pupils, the law still considers the information in question to be the child's. Requests not considered in the child's best interests may sometimes be refused.

However notwithstanding the above, pupils of primary school age (under the age of twelve) are not 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.

### 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 pupils.

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

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

### Consent

Where NMS and 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: in the use of certain types of images of pupils and in the use of medical information. Please be aware however that NMS and 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 of an organisation such as the parents' association has been requested).

### Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates. However, NMS and the School will often rely on parental authority or notice for the necessary ways it processes personal data relating to pupils – for example, under the Parent Contract, or via a form. Parents and pupils should be aware that this is not necessarily the same as NMS and the School relying on strict consent (see section on Consent above).

In general, we will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare. That is unless, in our 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 pupil contract attached to the **e-Safety Policy** and the **Behaviour policy**. Staff are under professional duties to do the same covered under the relevant **Staff data protection and Handling policy**, **Staff Code of Conduct** and **e-Safety Policy**.

### DATA ACCURACY AND SECURITY

NMS and 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 NMS or the School, of any significant changes to important information, such as contact details, held about them.

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

NMS and 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 NMS and School systems. All staff, directors and advisors will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

## THIS POLICY

NMS 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 Privacy and Compliance Officer at the New Model School Head Office, email address [deborah.livsey@newmodelschool.co.uk](mailto:deborah.livsey@newmodelschool.co.uk)

If an individual believes that NMS and the School has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the **Complaints policy** and should also notify the Chief Executive Officer. 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 before involving the regulator.

Lucas Motion  
Head teacher

September 2023

Review approved by Deborah Livsey CEO

The New Model School Company Limited  
September 2023

Next review date: August 2024