



# BROCKHURST & MARLSTON HOUSE SCHOOLS

Including all of the Pre-Prep Department and Early Years Foundation Stage

## PRIVACY POLICY

Brockhurst & Marlston House Schools (the School) is committed to providing the best possible care and education to its pupils, and to safeguarding and promoting the welfare of children and young people. This policy is written with that commitment in mind, and in accordance with KCSIE September 2025. This commitment extends to the privacy afforded to personal data, for which this policy is written with that commitment in mind, and in accordance with the GDPR and Data Protection Act 2018

Last Review: September 2024

Next Review: September 2026

### INTRODUCTION

Brockhurst & Marlston House Schools is our official name and we are a registered limited company with Companies House with the registration number 05656170. We are also registered with the Information Commissioners Office (the ICO) as a data controller with the registration number Z3062740. We take our responsibilities as a data controller seriously and are committed to using the personal data we hold in accordance with the law.

This privacy notice provides detailed information about how we process personal data. Please read it carefully and, if you have questions regarding your personal data or its use, please contact the Administration Office by email on [dpo@brockmarl.org](mailto:dpo@brockmarl.org); by telephone on 01635 200293; or, by post at The Data Protection Officer, Brockhurst and Marlston House Schools, Hermitage, Newbury, Berkshire RG18 9UL.

### OUR COMMITMENT TO PRIVACY

Brockhurst & Marlston House Schools is committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the data protection principles and the Data Protection Act (2018).

<https://ico.org.uk/for-organisations/guide-to-data-protection/data-protection-principles/>

Changes to data protection legislation with the introduction of the GDPR and the Data Protection Act (2018) on 25 May 2018, shall be monitored and implemented in order to remain compliant with all requirements.

The legal bases for processing data are as follows –

- (a) **Consent:** the member of staff/student/parent has given clear consent for the school to process their personal data for a specific purpose.
- (b) **Contract:** the processing is necessary for the member of staff's employment contract or student placement contract.
- (c) **Legal Obligation:** the processing is necessary for the school to comply with the law (not including contractual obligations)

### KEY STAFF

The members of staff responsible for data protection are David Fleming (Headmaster) and the Data Compliance Co-Ordinator's, Rachel Harper and Shelly Hern. The appointed Data Protection Officer is Stephen Haslett (Fusion Forensics Ltd). However, all staff must treat all student information in a confidential manner and follow the guidelines as set out in this document.

The school is also committed to ensuring that its staff are aware of data protection policies, legal requirements and adequate training is provided to them through our training service.

The requirements of this policy are mandatory for all staff employed by the school and any third party contracted to provide services within the school.

## **NOTIFICATION**

Our data processing activities will be registered with the Information Commissioner's Office (ICO) as required of a recognised Data Controller. Details are available from the ICO:

<https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>

Changes to the type of data processing activities being undertaken shall be notified to the ICO and details amended in the register.

Breaches of personal or sensitive data shall be notified within 72 hours to the individual(s) concerned and the ICO.

## **PERSONAL AND SENSITIVE DATA**

All data within the school's control shall be identified as personal, sensitive or both to ensure that it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates.

The definitions of personal and sensitive data shall be as those published by the ICO for guidance: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/>

The principles of the Data Protection Act (2018) shall be applied to all data processed:

- To ensure that data is fairly and lawfully processed;
- To process data only for limited purposes;
- To ensure that all data processed is adequate, relevant and not excessive;
- To ensure that data processed is accurate;
- To not keep data longer than is necessary;
- To process the data in accordance with the data subject's rights;
- To ensure that data is secure;
- To ensure that data is not transferred to other countries without adequate protection.

## **FAIR PROCESSING / PRIVACY NOTICE**

We shall be transparent about the intended processing of data and communicate these intentions via notification to staff, parents / care providers and pupils prior to the processing of an individual's data.

Notifications shall be in accordance with ICO guidance and, where relevant, be written in a form understandable by those defined as 'Children' under the legislation.

<https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notice-transparency-and-control/>

There may be circumstances where the school is required either by law or in the best interests of our students or staff to pass information onto external authorities, for example local authorities, ISI, or the Department of Health.

These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect. The intention to share data relating to individuals to an organisation outside of our school shall be clearly defined within notifications and details of the basis for sharing given. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information.

Any proposed change to the processing of individual's data shall first be notified to them. Under no circumstances will the school disclose information or data:

- that would cause serious harm to the child or anyone else's physical or mental health or condition
- indicating that the child is or has been subject to child abuse or may be at risk of it, where the disclosure would not be in the best interests of the child
- recorded by the pupil in an examination that would allow another person to be identified or identifies another person as the source, unless the person is an employee of the school or a local authority or has given consent, or it is reasonable in the circumstances to disclose the information without consent.

The exemption from disclosure does not apply if the information can be edited so that the person's name or identifying details are removed in the form of a reference given to another school or any other place of education and training, the child's potential employer, or any national body concerned with student admissions.

## **TYPES OF PERSONAL DATA WE PROCESS**

We process personal data about prospective, current and past: pupils and their parents; staff, suppliers and contractors; friends and supporters; and other individuals connected to or visiting the school (including students enrolled on placement program).

The personal data we process takes different forms – it may be factual information, expressions of opinion, images or other recorded information which identifies or relates to a living individual.

Examples include:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- family details;
- admissions, academic, disciplinary and other education related records, information about special educational needs, references, examination scripts and marks;
- education and employment data;
- images, audio and video recordings;
- financial information (e.g. for bursary assessment or for fund-raising);
- courses, meetings or events attended.

As a school, we need to process special category personal data (e.g. concerning health, ethnicity, religion or biometric data) and criminal records information about some individuals (particularly pupils and staff). We do so in accordance with applicable law (including with respect to safeguarding or employment) or by explicit consent.

## **COLLECTING, HANDLING AND SHARING PERSONAL DATA**

We collect most of the personal data we process directly from the individual concerned (or in the case of pupils, from their parents). In some cases, we collect data from third parties (for example, referees, previous schools, the Disclosure and Barring Service, or professionals or authorities working with the individual) or from publicly available resources.

Personal data held by us is processed by appropriate members of staff for the purposes for which the data was provided. We 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.

We do not transfer personal data outside of the EU / EEA / Adequacy List unless we are satisfied that the personal data will be afforded an equivalent level of protection.

Details of EU / EEA / Adequate countries can be found here: <https://tinyurl.com/yd76pwks>

In the course of school business, we share personal data (including special category personal data where appropriate) with third parties such as examination boards, the school doctors, the school's professional advisors and relevant authorities (e.g. the Local Children Safeguarding Board, DBS, NCTL, UK Visas and Immigration, HM Revenue and Customs, Department for Education and Department for Work and Pensions).

Some of our systems are provided by third parties, e.g. hosted databases, school website, school calendar, school post and my school portal or cloud storage providers. This is always subject to contractual assurances that personal data

will be kept securely and only in accordance with our specific directions.

## **PURPOSES FOR WHICH WE PROCESS PERSONAL DATA**

We process personal data to support the school's operation as an independent boarding school for children aged 3 – 13, and specifically for:

- The selection and admission of pupils;
- The provision of education to pupils including the administration of the school curriculum and timetable; monitoring pupil progress and educational needs; reporting on the same internally and to parents; administration of pupils' entries to public examinations, reporting upon and publishing the results; providing references for pupils (including after a pupil has left);
- The provision of educational support and related services to pupils (and parents) including the maintenance of discipline; provision of careers and library services; administration of sports fixtures and teams, school trips; provision of the school's IT and communications system and virtual learning environment (and monitoring the same) all in accordance with our IT policies;
- The provision of educational courses during school holidays to students enrolled on such courses;
- The safeguarding of pupils' welfare and provision of pastoral care, welfare, health care services by school staff, in boarding accommodation;
- The research into and development of effective teaching and learning methods and best practice;
- Compliance with legislation and regulation including the preparation of information for inspections by the Independent Schools Inspectorate,
- The submission of annual census information to each of the Independent Schools Council and Department for Education;
- Operational management including the compilation of pupil records; the administration of invoices, fees and accounts; the management of the school's property; the management of security and safety arrangements (including the use of CCTV in accordance with our CCTV Policies and monitoring of the school's IT and communications systems in accordance with our Acceptable Use Policy);
- Management planning and forecasting; research and statistical analysis; the administration and implementation of the school's rules and policies for pupils and staff; the maintenance of historic archives and other operational purposes;
- Staff administration including the recruitment of staff/ engagement of contractors (including compliance with DBS procedures); administration of payroll, pensions and sick leave; review and appraisal of staff performance; conduct of any grievance, capability or disciplinary procedures; and the maintenance of appropriate human resources records for current and former staff; and providing references;
- The promotion of the school through its own website, the prospectus and other publications and communications (including through our social media channels); and
- Maintaining relationships with OEs and the wider school community by communicating with the body of current and former pupils and/or their parents or guardians and organising events.

The processing set out above is carried out to fulfil our legal obligations (including those under our parent contract and staff employment contracts). We also expect these purposes to form our legitimate interests.

## **HOW LONG WE KEEP PERSONAL DATA**

We retain personal data only for a legitimate and lawful reason and only for so long as necessary or required by law. We have adopted Records Retention Guidelines which set out the time period for which different categories of data are kept.

If you have any specific queries about our record retention periods or wish to request that your personal data is considered for erasure, please contact us for further information.

## **YOUR RIGHTS**

You have various rights under the Data Protection Act (2018) to access and understand the personal data we hold about you, and in some cases to ask for it to be erased or amended or for us to stop processing it, but this is subject to certain exemptions and limitations.

You always have the right to withdraw consent, where given, or otherwise object to receiving generic or fundraising

communications. Please be aware 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 Notice or may 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 one of our societies).

If you would like to access or amend your personal data or would like it to be transferred to another person or organisation, or have some other objection to how your personal data is used, please make your request in writing to the Administration Office.

We will 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. We will be better able to respond quickly to smaller, targeted requests for information. If the request is manifestly excessive or similar to previous requests, we may ask you to reconsider or charge a proportionate fee, but only where Data Protection Act (2018) permits this.

## **DATA EXEMPT FROM THE RIGHT OF ACCESS**

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 privilege. We are also not required to disclose any pupil examination scripts (though examiners' comments may fall to be disclosed), nor any confidential reference given by the school for the purposes of the education, training or employment of any individual.

## **PUPIL DATA**

The rights under the Data Protection Act (2018) and the GDPR belong to the individual to whom the data relates. However, we 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, pupils' consent will not be required for ordinary disclosure of their personal data to their parents or care providers with parental responsibility, e.g. for the purposes of keeping parents/care providers 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, we may be under an obligation to maintain confidentiality unless, in our opinion, there is a good reason to do otherwise; e.g. where the school believes disclosure will be in the best interests of the pupil or other pupils, or is required by law.

Pupils can make subject access requests for their own personal data, provided that they have sufficient maturity to understand the request they are making. A person with parental responsibility will generally be entitled to make a subject access request on behalf of pupils, but 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 representative to make a subject access request on their behalf. Moreover (if of sufficient maturity) their consent or authority may need to be sought by the parent making such a request.

## **CHANGE OF DETAILS**

We try to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Please notify [registrar@brockmarl.org](mailto:registrar@brockmarl.org) of any significant changes to important information, such as contact details, held about you.

## **DATA SECURITY**

In order to assure the protection of all data being processed and inform decisions on processing activities, we shall undertake an assessment of the associated risks of proposed processing and equally the impact on an individual's privacy in holding data related to them. Risk and impact assessments shall be conducted in accordance with guidance

given by the ICO:

<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-7-security/>

<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2014/02/privacy-impact-assessments-code-published/>

Security of data shall be achieved through the implementation of proportionate physical and technical measures. Nominated staff shall be responsible for the effectiveness of the controls implemented and reporting of their performance.

The security arrangements of any organisation with which data is shared shall also be considered and where required these organisations shall provide evidence of the competence in the security of shared data.

## **DATA ACCESS REQUESTS (SUBJECT ACCESS REQUESTS)**

All individuals whose data is held by us, has a legal right to request access to such data or information about what is held. We shall respond to such requests within one month and they should be made in writing to:

No charge will be applied to process the request.

Personal data about pupils will not be disclosed to third parties without the consent of the child's parent or carer, unless it is obliged by law or in the best interest of the child. Data may be disclosed to the following third parties without consent:

- Other schools
- If a pupil transfers from Brockhurst & Marlston House to another school, their academic records and other data that relates to their health and welfare will be forwarded onto the new school. This will support a smooth transition from one school to the next and ensure that the child is provided for as is necessary. It will aid continuation which should ensure that there is minimal impact on the child's academic progress as a result of the move.

## **EXAMINATION AUTHORITIES**

This may be for registration purposes, to allow the pupils at our school to sit examinations set by external exam bodies.

## **HEALTH AUTHORITIES**

As obliged under health legislation, the school may pass on information regarding the health of children in the school to monitor and avoid the spread of contagious diseases in the interest of public health.

## **POLICE AND COURTS**

If a situation arises where a criminal investigation is being carried out we may have to forward information on to the police to aid their investigation. We will pass information onto courts as and when it is ordered.

## **SOCIAL WORKERS AND SUPPORT AGENCIES**

In order to protect or maintain the welfare of our pupils, and in cases of child abuse, it may be necessary to pass personal data on to social workers or support agencies.

## **EDUCATIONAL DIVISION**

Schools may be required to pass data on in order to help the government to monitor the national educational system and enforce laws relating to education.

## **RIGHT TO BE FORGOTTEN**

Where any personal data is no longer required for its original purpose, an individual can demand that the processing is stopped, and all their personal data is erased by the school including any data held by contracted processors.

## **PHOTOGRAPHS AND VIDEO**

Images of staff and pupils may be captured at appropriate times and as part of educational activities for use in school only.

Unless prior consent from parents/pupils/staff has been given, the school shall not utilise such images for publication or communication to external sources. It is the school's policy that external parties (including parents) may not capture images of staff or pupils during such activities without prior consent.

## **LOCATION OF INFORMATION AND DATA**

Hard copy data, records, and personal information are stored out of sight and in a locked cupboard. The only exception to this is medical information that may require immediate access during the school day. This will be stored with the Senior Matron.

Sensitive or personal information and data should not be removed from the school site; however, the school acknowledges that some staff may need to transport data between the school and their home in order to access it for work in the evenings and at weekends. This may also apply in cases where staff have offsite meetings or are on school visits with pupils.

The following guidelines are in place for staff in order to reduce the risk of personal data being compromised:

- Paper copies of data or personal information should not be taken off the school site. If these are misplaced, they are easily accessed. If there is no way to avoid taking a paper copy of data off the school site, the information should not be on view in public places or left unattended under any circumstances.
- Unwanted paper copies of data, sensitive information or pupil files should be shredded. This also applies to handwritten notes if the notes reference any other staff member or pupil by name.
- Care must be taken to ensure that printouts of any personal or sensitive information are not left in printer trays or photocopiers.
- If information is being viewed on a computer, staff must ensure that the window and documents are properly shut down before leaving the computer unattended. Sensitive information should not be viewed on public computers.
- If it is necessary to transport data away from the school, it should be downloaded onto a USB stick. The data should not be transferred from this stick onto any home or public computers. Work should be edited from the USB and saved onto the USB only.
- USB sticks that staff use must be password protected.

These guidelines are clearly communicated to all school staff, and any person who is found to be intentionally breaching this conduct will be disciplined in line with the seriousness of their misconduct.

## **DATA DISPOSAL**

The school recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk. All data held in any form of media (paper, tape, electronic) shall only be passed to a disposal partner with demonstrable competence in providing secure disposal services.

All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the disposal process.

Disposal of IT assets holding data shall be in compliance with ICO guidance:

[https://ico.org.uk/media/for-organisations/documents/1570/it\\_asset\\_disposal\\_for\\_organisations.pdf](https://ico.org.uk/media/for-organisations/documents/1570/it_asset_disposal_for_organisations.pdf)

The school has identified a qualified source for disposal of IT assets and collections.

## **THIS POLICY**

Our privacy notice should be read in conjunction with our other policies and terms and conditions which make reference to personal data, including our Parent Contract, our Safeguarding Policy, Health & Safety Policies,

Acceptable Use Policies and IT Policies.

This document will evolve and will be updated. It has been afforded with a version number to track changes. Therefore, we will update this Privacy Notice from time to time. Any substantial changes that affect how we process your personal data will be notified on our website and to you directly, as far as practicable.

If you believe that we have not complied with this policy or have acted otherwise than in accordance with the Data Protection Act (2018) or the GDPR, you should notify the Data Protection 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 with us before involving them.