



Albyn School Data Protection Policy

incorporating reference to records retention, data breach responses and the school's media permissions policy.

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Purpose of Policy

This policy is designed to ensure that information is stored, handled, shared, processed or destroyed by Albyn School including its nurseries (hereafter referred to as Albyn School or the school), in accordance with the General Data Protection Regulation (GDPR) 2018.

Albyn School handles data on pupils, staff, parents and alumni both carefully and securely and this policy explains why we gather personal data¹, how it will be stored and what will be done and when it is no longer required.

Albyn School will always seek to adhere to the following data protection principles, namely that personal data will be:

1. processed fairly and lawfully;
2. collected only for specified and lawful purposes and will not be further processed in any manner incompatible with that purpose or purposes.
3. collected only where it is adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed.

¹ According to the Information Commissioner's Office (ICO), personal data refers to '...any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.' Online source <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/key-definitions/> accessed 20-5-2018

4. recorded accurately and updated where needed.
5. kept only for as long as it is necessary for its intended purpose.
6. processed in accordance with the rights of data subjects under GDPR legislation.

Parents have the right to withdraw access to their personal information except in those cases where there is a child protection concern. Under those rare circumstances, information about children and their families may be shared with appropriate agencies without the consent of parents.

Data will not be transferred to a country or territory outside the UK. There are three exceptions to this: Those parents who have pupils attending the French School will have educational attainment and related personal data released to the French governmental authorities periodically. Secondly, pupils may be involved in international trips that the school organises. In the latter circumstance, you will be contacted for your consent that will be limited in time and content. Thirdly, we have some pupils who attend Albyn School whose principal residence is overseas and we may need to liaise with organisations of those countries. We will inform parents concerned of what data we are sharing or receiving in these circumstances.

Why are we gathering personal data?

Albyn School including the nurseries has a lawful basis for processing personal data. The General Data Protection Regulation details six lawful bases:

- i. Consent: where the School has clear consent to process personal data for a specific purpose.
- ii. Contract: the processing is necessary for a contract the school has with individuals or organisations, or because individuals have asked the school to take specific steps before entering into a contract.
- iii. Legal obligation: the processing is necessary for the School to comply with the law (not including contractual obligations).
- iv. Vital interests: the processing is necessary to protect someone's life.
- v. Public task: the processing is necessary for the School to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- vi. Legitimate interests: the processing is necessary for the School's legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data, which overrides those legitimate interests.

In terms of the school's legitimate interests, the acquisition of personal information enables the school to admit children and to fulfil its contractual obligations to educate and care for them. We also have legal and regulatory duties to hold and share information on pupils in our care with governmental authorities. For example, Albyn School's nurseries, boarding house and after school club have a legal obligation to comply with the regulations stipulated by the Care Inspectorate. Similarly, we may need to provide the Scottish Government with information through their management information system SEEMiS. The School also has to safeguard what are regarded as 'vital interests' with respect to children's wellbeing and safety within our care.

What information will be gathered?

Personal information includes:

- Children's details such as name, address, date of birth, collection arrangements, medical information, dietary requirements, reports from external professionals.
- Parents' and Alumni information such as name, address, telephone numbers, email addresses, professions and bank details.

A non-exhaustive list of other information that will be collected and compiled relating to pupils includes:

Accident records	Duty of candour records (Nurseries, After School Club and Boarding House)
Admissions information	Incident records
Administration of medication records	Learning journals
'All about me' records (Nurseries)	Learning support plans
Assessment data	Multi agency consent forms
Care plans	Progress and development observations
Chronologies	'Pupils deserving praise' logs
Class registers	Public examination records
Consent to administer sun cream, tooth brushing (Nurseries) etc.	Registers used for sports teams, societies and the recording of pupil activities
Consent to administer prescribed and non-prescribed medication.	Reports on educational and academic progress
Consent to pupil self-administration of prescribed medication (Boarding)	Restraint records
Disciplinary records	Session request form (Nurseries)

As part of its legitimate interests the school also gathers and processes personal data to:

- Enable relevant authorities to monitor the school's performance and to intervene with incidents as appropriate;
- Enable pupils to take part in national or other assessments and to publish the results of public examinations and other achievements of pupils;
- Give and receive information about past, current and prospective pupils. This may include information relating to outstanding fees and payment history;
- Maintain relationships with its alumni and to confirm the identity of prospective donors, their background and interests.

The school also shares personal information relating to its community with selected third parties, such as professional advisers e.g. lawyers, insurers, accountants; Education associations e.g. Boarding Schools Association and the Scottish Council for Independent Schools and government authorities e.g. Education Scotland, Care Commission, Scottish Social Services Council.

The school endeavours to maintain up to date records and will periodically check a range of personal details that we hold on families who have pupils at the school. For example, there

are annual checks on contact details and health related information that we hold on pupils while parents of pupils attending the Lower and Upper school can check and alert the school to amend the personal details that we hold on our school database via the on-line school portal.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. Records will be stored in two forms:

- In paper form: Paper copies of some personal information is stored in a locked cupboard or cabinet, which has limited access to staff members and no access for others. Parents should feel secure that their information and information about their children is not accessible to anyone apart from themselves and appropriate Albyn staff.
- Electronically: Any information that is stored on computers will be held in accordance with the General Data Protection Regulation. Parents will be asked for their permission to store their personal details on computer when registering their children. Access to information stored on computer is limited to appropriate staff members, computers are password encoded and only staff members are in possession of the passwords.

Subject Access Requests:

Albyn School respects the right of individuals to obtain a copy of their personal data and supplementary information commonly referred to as a subject access request.

When requested we will confirm if we are processing parents or pupils personal data and provide a copy of the data we hold. Such data can only refer to themselves or their children at the School. The School will also provide individuals with the following within a month of the request:

- the purposes of our processing;
- the categories of personal data concerned;
- the recipients or categories of recipient we disclose the personal data to;
- the retention period for storing the personal data or, where this is not possible, your criteria for determining how long you will store it;
- the existence of their right to request rectification, erasure or restriction or to object to such processing;
- the right to lodge a complaint with the ICO or another supervisory authority;
- information about the source of the data, where it was not obtained directly from the individual;
- the existence of automated decision-making (including profiling); and
- the safeguards we provide if the school transfers personal data to a third country or international organisation.

Data Controller

While parents or others are not obliged to make reference to the term 'subject access request', when they seek access to their or their children's data it would be helpful to the school if they would do so and to communicate their subject access request to the school's data controller (The Bursar) at Albyn School (email: admin@albrynschool.co.uk).

Archiving & Destruction of Personal Data

The following represents the time that records will be held following the institution of this policy. Most paper records are likely to be scanned and stored electronically once they are no longer in use. Paper documents will be shredded; electronic documents will be erased.

Type of Record/Document	Retention Period
Nursery specific records	
Registration documents of School	Permanent (or until closure of the school)
Attendance Register	6 years from last date of entry, then archive.
Annual curriculum	From end of year: 3 years (or 1 year for other class records: e.g. marks / timetables / assignments)
Children's records	
Admissions: application forms, assessments, records of decisions	25 years from date of birth (or, if pupil not admitted, up to 7 years from that decision).
Pupil file including: <ul style="list-style-type: none">➤ Pupil reports➤ Pupil performance records➤ Pupil medical records	ALL: 25 years from date of birth (subject to any safeguarding considerations which may extend the retention of records of pupils for their lifetime)
➤ Learning support records	Date of birth plus up to 35 years (allowing for special extensions to statutory limitation period)

Type of Record/Document	Retention Period
Safeguarding	
Policies and procedures	Keep a permanent record of historic policies
PVG disclosure certificates (if held)	No longer than 6 months from decision on recruitment, unless PVG specifically consulted – but a record of the checks being made must be kept, if not the certificate itself.
Accident / Incident reporting	Keep on record for as long as any living victim may bring a claim (NB civil claim limitation periods can be set aside in cases of abuse). Ideally, files to be reviewed from time to time if resources allow and a suitably qualified person is available. ²
Child Protection files	If a referral has been made / social care have been involved or child has been subject of a multi-agency plan – indefinitely. If low level concerns, with no multi-agency act – apply applicable school low-level concerns policy rationale (this may be 25 years from date of birth or indefinitely).
Health & Safety plus Data Protection Breaches	
Accidents to children	25 years from birth (longer for safeguarding)
Risk assessments	7 years from completion of relevant project, incident, event or activity.
Data protection records documenting processing activity, data breaches	No limit: as long as up-to-date and relevant (as long as no personal data held)

Data Breaches

GDPR presents a duty on all organisations to report certain types of personal data breach within 72 hours of becoming aware of the breach, where feasible. If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, the school will inform individuals as soon as is practically possible.

The school will undertake an investigation in the event of a data breach to enable us to know whether we notify the relevant supervisory authority and the affected individuals. We will also keep a record of any personal data breaches, regardless of whether we are required to notify.

A personal data breach refers a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data.

Personal data breaches can include:

- access by an unauthorised third party;
- deliberate or accidental action (or inaction) by a controller or processor;
- sending personal data to an incorrect recipient;
- computing devices containing personal data being lost or stolen;
- alteration of personal data without permission; and
- loss of availability of personal data.

Data Breach Response Plan

Upon the School becoming aware of the breach there will be:

- (a) An initial assessment,
- (b) Containment of any further loss
- (c) Attempt at recovery – all instigated within the first few hours of the awareness of the breach.
- (d) Ongoing assessment of risk and mitigation – first 72 hours (and initial notification where required):

Those responding to the breach will need to consider: How long has the breach been active, what data was involved and how far has it got? What immediate steps can be taken to prevent it going further? If a computer or cyber breach then IT personnel will need to become involved. Other external contractors e.g. Royal Mail may also need to be involved and other agencies e.g. Police and school lawyers may also need to be involved

It will be incumbent upon the School to build up a more detailed picture of the risk and reach of the security breach:

- How many have been affected?
- Was any sensitive personal data involved?
- Was financial data involved and/or is there a risk of identify fraud?
- Identifying if a crime has been committed and involving police where.
- Assessing if insurers need notifying (major loss, crime, or possible legal claim(s))
- Deciding if the likely risk of harm to the data subjects:
 - is sufficient to require a full or preliminary notification to the ICO; and
 - is sufficiently serious to require communication to affected individuals
 - If not, is this a matter we can document but deal with internally?; or
 - If so, what can we usefully tell the ICO and/or individuals at this stage?
e.g. provide fraud or password advice, offer counselling etc.

- (e) Ongoing evaluation, monitoring and remediation:
- (f) Continue to monitor and assess possible consequences (even if apparently contained).
- (g) Keep the ICO and/or those affected informed as new information becomes available.
- (h) Tell the ICO and/or those affected what you are doing to remediate and improve practice.

Begin process of review internally asking and responding to questions such as:

- How did this happen?
- What could we have done better?
- Would training or even disciplinary action be justified for staff members?
- Were our policies adequate, and/or adequately followed?
- If our contractors were involved (e.g. systems providers), did they respond adequately? Do we have any remedies against them if not?

Record keeping:

- In the event of a data breach we will keep a full internal record, whether or not the matter was reported or resulted in harm.
- Log this record against wider trends and compare with past incidents.
- Make sure all past outcomes were put into practice.
- Ensure any recommendations made by, or promised to, the ICO are actioned.
- If appropriate, notify the Office of the Scottish Charity regulator (OSCR).
- Review policies and ensure regular (or specific, if required) training is actually completed.

Appendix A: Media Permissions Policy

Albyn School (including its nurseries), like most schools, uses images of pupils for marketing and publicity purposes, and to celebrate our pupils' achievements, for example in school displays, prospectuses and in advertisements (at home and abroad); on websites; and on social media. Such images may also be provided to the media, and/or circulated to the school community to keep them updated about the school's activities. Schools may also use images of pupils for identification purposes.

Most of these images will constitute "personal data" under the definitions of GDPR meaning that we will comply with the Act whenever we take, use and store images (or ask others to do so on our behalf). GDPR imposes an obligation to keep individuals (or, in the case of younger pupils, their parents) informed of how their personal data will be used, and in some cases to secure their consent. This policy is intended to help schools meet that obligation.

We also recognise that parents will occasionally want to be able to take images of their own children engaged in school activities, and on occasion the school may want to allow the media to do the same (e.g. sports, examinations or performing arts). Pupils may also take pictures or film each other, whether as part of official school activities, or simply during school time (using their own equipment or that provided by the school). Finally, of course, the School will wish to take its own official images of pupils engaged in ordinary activities, for internal and external use.

Images taken by parents of their own children for purely domestic use are generally considered not to fall within the jurisdiction of GDPR. However, if Albyn School is provided with these images, or if the school takes or commissions them, and they are used for official school purposes then the school will be data controller of the images within the meaning of the Act.

The School's also recognises its obligations of the child protection risks, and the potential for invasion of privacy, embarrassment, bullying or harassment involving such images, even where they are not obviously the school's responsibility (e.g. in the use and distribution of images pupils take of each other outside school time).

This policy contains a general reassurance that pupils will only be photographed when suitably dressed and we are mindful of NSPCC guidance that children undertaking activities such as swimming, gymnastics and athletics will focus on the activity they are undertaking, rather than the individual, and will avoid showing the full face and body of the child.

Where the use of an image is necessary for the school's legitimate interests (e.g. to advertise the school, or ensure the safety of pupils), and not unduly detrimental to those pictured (or under GDPR, not outweighed by their own rights to privacy), we may inform pupils (and/or their parents, depending on their age. Past ICO guidance has suggested this may be the case where e.g. a photo of a small group of (unnamed) pupils is used in a school prospectus.

The Rights of Pupils

We acknowledge that children have their own rights under the GDPR (including the right to give or withdraw consent to use of their personal data, where consent is required; to request access to data and in some cases have it deleted; and to be informed about its use). Those rights would normally be exercised by someone with parental responsibility on behalf of children too young to understand them, but in most cases that will be no older than 12 years of age. We will draw this to the attention of older pupils, so that pupils know when and why they are being filmed or photographed by or on behalf of the school.

1. This Policy

This Policy is intended to provide information to pupils and their parents, carers or guardians (referred to in this policy as "parents") about how images of pupils are normally used by Albyn School ("the school"). It also covers the school's approach to the use of cameras and filming equipment at school events and on school premises by parents and pupils themselves, and the media. It applies in addition to the school's terms and conditions outlined in the parent contract, and any other information the school may provide about a particular use of pupil images,

2. General points to be aware of

Certain uses of images are necessary for the ordinary running of the school; other uses are in the legitimate interests of the school and its community and unlikely to cause any negative impact on children. The school is entitled lawfully to process such images and take decisions about how to use them, subject to any reasonable objections raised.

- Parents who accept a place for their child are invited to indicate agree to the school using images of him/her as set out in this policy by indicating by a consent form² and from time to time if a particular use of the pupil's image is requested. However, parents should be aware of the fact that certain uses of their child's images may be necessary or unavoidable.
- We hope parents will feel able to support the school in using pupil images to celebrate the achievements of pupils, sporting and academic; to promote the work of the school; and for important administrative purposes such as identification and security.
- Any parent who wishes to limit the use of images of a pupil for whom they are responsible should contact the Head of Marketing at Albyn School (admin@albyschool.co.uk). The School will respect the wishes of parents and indeed pupils themselves wherever reasonably possible, and in accordance with this policy.
- Parents should be aware that, from around the age of 12 and upwards, the law recognises pupils' own rights to have a say in how their personal information is used – including images.

² The appropriate form may be provided in paper form or by email.

3. Use of Pupil Images in School Publications

- Unless the relevant pupil or his or her parent has requested otherwise, the school will use images of its pupils to keep the school community updated on the activities of the school, and for marketing and promotional purposes, including:
 - on internal displays (including clips of moving images) on digital and conventional notice boards within the school premises;
 - in communications with the broader school community (parents, pupils, staff, Governors and alumni) including by email, on the school intranet and by post;
 - on the school's website and, where appropriate, via the school's social media channels. Such images would not be accompanied by the pupil's full name without permission.
 - in the school's prospectus, and in online, press and other external advertisements for the school. Such external advertising would not normally include pupil's names and in some circumstances the school will seek the parent or pupil's specific consent, depending on the nature of the image or the use.
- The source of these images will predominantly be the school's staff (who are subject to policies and rules in how and when to take such images), or a professional photographer used for marketing and promotional purposes, or occasionally pupils. The school will only use images of pupils in suitable dress and the images will be stored securely and centrally.

4. Use of Pupil Images for Identification and Security

- All pupils are photographed on entering the school and, thereafter, for the purposes of internal identification. According to their use these photographs may identify the pupil by name, form, year and/or Clan

5. Use of Pupil Images in the Media

- Where practicably possible, the school will notify parents in advance when the media is expected to attend an event or school activity in which school pupils are participating. The school will make every reasonable effort to ensure that any pupil whose parent has refused permission for images of that pupil, or themselves, to be made in these circumstances are not photographed or filmed by the media, nor such images provided for media purposes.
- The media often asks for the names of the relevant pupils to go alongside the images, and these will be provided where parents have been informed about the media's visit and either parent or pupil has consented as appropriate.

6. Security of Pupil Images

- Professional photographers and the media are accompanied at all times by a member of staff when on school premises. The school uses only reputable professional photographers and makes every effort to ensure that any images of pupils are held by them securely, responsibly and in accordance with the school's instructions.

- The school takes appropriate technical and organisational security measures to ensure that images of pupils held by the school are kept securely on school systems, and protected from loss or misuse. The school will take reasonable steps to ensure that members of staff only have access to images of pupils held by the school where it is necessary for them to do so.
- All staff will be given guidance on the school's Media Policy, and on the importance of ensuring that images of pupils are made and used responsibly, only for school purposes, and in accordance with school policies and the law. For example, this will require them to submit photographic images taken on any personal devices to be submitted to the school and deleted from their devices within a week of return from a trip.

7. Use of Cameras and Filming Equipment (including mobile phones) by Parents

- Parents, guardians or close family members (hereafter, parents) are welcome to take photographs of (and where appropriate, film) their own children taking part in school events, subject to the following guidelines, which the school expects all parents to follow:
 - When an event is held indoors, such as a play or a concert, parents should be mindful of the need to use their cameras and filming devices with consideration and courtesy for cast members or performers on stage and the comfort of others. Flash photography can disturb others in the audience, or even cause distress for those with medical conditions; the school therefore asks that it is not used at indoor events.
 - Parents are asked not to take photographs of other pupils, except incidentally as part of a group shot, without the prior agreement of that pupil's parents.
 - Parents are reminded that such images are for personal use only. Images which may, expressly or not, identify other pupils should not be made accessible to others via the internet (for example on Facebook), or published in any other way.
 - Parents are reminded that copyright issues may prevent the school from permitting the filming or recording of some plays and concerts. The school will always print a reminder in the programme of events where issues of copyright apply.
 - Parents may not film or take photographs in changing rooms or backstage during school productions, nor in any other circumstances in which photography or filming may embarrass or upset pupils.
- The school reserves the right to refuse or withdraw permission to film or take photographs (at a specific event or more generally), from any parent who does not follow these guidelines, or is otherwise reasonably felt to be taking inappropriate images.
- The school sometimes records plays and concerts professionally (or engages a professional photographer or film company to do so), in which case CD, DVD or digital copies may be made available to parents for purchase. Parents of pupils taking part

in such plays and concerts will be consulted if it is intended to make such recordings available more widely.

8. Use of Cameras and Filming Equipment by Pupils

- All pupils are encouraged to look after each other, and to report any concerns about the misuse of technology, or any worrying issues to a member of the pastoral staff.
- The use of cameras or filming equipment (including on mobile phones) is not allowed in toilets, washing or changing areas, nor should photography or filming equipment be used by pupils in a manner that may offend or cause upset.
- The misuse of images, cameras or filming equipment in a way that breaches this Policy or the school's rules and code of conduct is always taken seriously, and may be the subject of disciplinary procedures or dealt with under the relevant safeguarding policy as appropriate.