



## Caldicott Trust Privacy Notice

This Privacy Notice tells you what to expect when Caldicott Trust collects personal information.

### WHO WE ARE

Caldicott Trust Limited ("the School") is the registered Data Controller for the purposes of Data Protection Law.

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<b>Address:</b>	<b>Crown Lane, Farnham Royal, Buckinghamshire, SL2 3SL.</b>
<b>Information Commissioners</b>	
<b>Office Registration Number:</b>	<b>Z5226839</b>
<b>Registration renewal date:</b>	<b>30<sup>th</sup> January 2024</b>
<b>Charity Number:</b>	<b>310631</b>
<b>Registered Company:</b>	<b>936838</b>

This notice also covers the Friends of Caldicott ("Friends" hereafter), "Old Caldicotians" and the "Caldicott Foundation" and as such is a shared notice. Any reference to the School hereafter covers both the Friends and Old Caldicotians where appropriate.

### WHAT THIS PRIVACY NOTICE IS FOR

This **Privacy Notice** is intended to provide information about how the school 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 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 the school's obligations to its entire community. However, the school has a separate Data Protection Policy and Privacy Notice applicable to its employees and other staff.

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;
- 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 retention of records policy;

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<sup>1</sup> General Data Protection Regulation (EU 2016/679) and the UK Data Protection Act 2018, and other relevant supporting legislation.

- the school's safeguarding, pastoral, or health and safety policies, including how concerns or incidents are recorded; and
- the school's IT policies, including its Terms and Conditions for using Information Technology at Caldicott.

Anyone who works for, or acts on behalf of, the school (including staff, volunteers, governors and service providers) will be subject to suitable training and/or policies commensurate with their role.

## **RESPONSIBILITY FOR DATA PROTECTION**

The School has appointed Nancy Wright, HR Manager as Data Protection Lead who will deal with all your requests and enquiries concerning 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. She can be contacted on her direct line: 01753 649313 or email: [nancy.wright@caldicott.com](mailto:nancy.wright@caldicott.com).

## **WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA**

In order to carry out its ordinary duties to 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.

Some of this activity 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, or 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 another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

The school expects that the following uses may fall within that category of its (or its community's) "legitimate interests":

- For the purposes of pupil selection, to confirm the identity of prospective pupils and their parents and retain a record if appropriate for the purposes of future applications or openings. This may include any necessary credit checks, whether with previous schools or other third party sources;
- 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, 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, including communicating news of progress, plans and ambitions from the School, the Caldicott Foundation, Friends of Caldicott and the Old Caldicottians to promote interest and engagement across the Caldicott community.
- To ensure we foster an active community of supporters from within the School community which will benefit the School and community members.
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background (and relevant interests);
- For promoting the fundraising aims of the School and Caldicott Foundation within the community. This includes contacting members of the community to establish whether or not they would like to commence or renew financial support for the School.
- 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 and 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; and to provide references to potential employers of past pupils;
- When requested by fee payers, to give and receive information necessary to complete means-tested

bursary assessments;

- To give and receive information, in extremis, when all other avenues have been exhausted by the school, to and from a debt recovery agency for the sole purpose of recovering outstanding school fees and other charges;
- 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;
- To monitor (as appropriate) use of the school's IT and communications systems in accordance with the school's Terms and Conditions for using IT at Caldicott;
- 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;
- For regulatory record keeping / compliance purposes in respect of immigration requirements, as an employer and/or visa sponsor;
- To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

In addition, the school may need to process **special category personal data** (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons 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 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 Cov-19 (or similar testing; including managing on-site testing and/or 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;
- To provide spiritual education in the context of any religious beliefs;
- In connection with employment of its staff, for example [Disclosure and Barring Service](#) (DBS) checks, welfare, union membership or pension plans and in a pastoral, complaint or disciplinary context;
- To run any of its systems that operate on biometric data, such as for security and other forms of pupil identification (lockers, lunch etc.);
- 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 and health and safety and immigration / visa sponsorship compliance) and to comply with its legal obligations and duties of care.

## **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;
- car details (about those who use our car parking facilities);
- biometric information, which will be collected and used by the school in accordance with the school's biometrics policy.
- bank details and other financial information, e.g. about parents (or others) who pay fees to the school, 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 work / study), including copies of passport information (eg the School has student sponsor status and we hold passport copies relating to this);
- where appropriate, information about individuals' health, and contact details for their next of kin or appropriate person to contact in case of emergency;
- references given or received by the school about pupils, and information provided by previous educational establishments and/or other professionals or organisations working with pupils; and
- images of prospective pupils:
  - film taken during the assessment process for sharing with the Assessment Team members where a child is uncomfortable with too many adults being present in the room during the assessment.
  - photographs of children during the assessment process for internal review and as a memory aid only.

If a place is offered and accepted these will form part of the Pupil Record in accordance with Data Protection policy and procedures. If a child does not subsequently join Caldicott then these images will be deleted.

- 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: Images of Pupils for Record Keeping and Promotional Purposes (photographs, videos and electronic media)).

## **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.

## **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 the school will remain within the school, and will be processed by appropriate individuals only in accordance with access protocols (ie, on a “need to know” basis). However, some functions are outsourced to third party processors, including accounting software (Sage); email / cloud storage (Microsoft and Google), MIS (iSAMS), student care (MyConcern), email marketing tools (MailChimp), criminal record check agencies (Atlantic Data Ltd), video and webinar streaming tools (Vimeo/YouTube/Google); donor databases (Toucantech Ltd - Customer Relationship Management software) and wealth screening companies (Prospecting for Gold) to inform the approaches of the Development Department to potential donors. 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 school’s specific directions.

**Data Sharing.** Occasionally, the school – including its governing board - will need to share personal information relating to its community of staff, pupils, parents and past parents and past pupils, with third parties, such as:

- The Friends of Caldicott
- Appropriate contractors, such as visiting music teachers;
- Professional advisers (eg lawyers, insurers, debt recovery agents, PR advisers and accountants);
- Examination boards;
- Stage 3 complaints panels, which will include independent panel members;

- Third parties and their advisers in the event of a possible or actual sale, merger or other restructuring of the school; and
- Government authorities (eg [HM Revenue & Customs](#) (HMRC), [Department for Education](#) (DfE), [Children and Family Court Advisory and Support Service](#) (CAFCASS), police, Home Office, a relevant public health / NHS body and / or local authority) and/or appropriate regulatory bodies, eg the [Teacher Regulation Agency](#) (TRA), the [Independent Schools Directorate](#) (ISI), [Companies House](#) (CH) and the [Charity Commission](#) (CC). Occasionally the Governing Board will need to process parent or pupil information, such as when a complaint is raised (and in accordance with the School Complaints Procedure, this may also require the involvement of independent panel members).
- If you are a parent and a member of the Friends of Caldicott, the school may share your contact details with the Friends of Caldicott.

## 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.** The school needs to process such information to comply with statutory duties and to keep pupils and others safe, but the school will ensure only authorised staff can access information on a need-to-know basis. 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 \(KCSIE\)](#)) 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 pupils or family members), and in some cases referrals to relevant authorities such as the LADO, Children’s Services, Child and Adolescent Mental Health Services (CAMHS) or the police.

KCSIE also requires that, whenever a child leaves the 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 parents as to how these needs are best served, but ultimately the decision as to what information is necessary to share with the new school or college is a safeguarding question that must be reserved to the school. The school will retain a copy of the child protection file in accordance with its retention policy for material related to safeguarding matters.

For further information about this, please view the school’s Safeguarding and Child Protection Policy (SCPP).

## 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. Typically, the legal recommendation for how long to keep ordinary staff and

pupil personnel files is up to 7 years following departure from the school. However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements which may stipulate extended or indefinite retention periods. Whilst we respect and recognise the regulations around retention of pupil and staff records there are particular legal contextual considerations that we need to operate within, above and beyond Data Protection requirements and these may be beyond the usual statutory requirements.

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 Nancy Wright. However, please bear in mind that the school may have lawful and necessary reasons to hold on to some data even following such 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, will need to keep a record of the fact in order to fulfil your wishes (called a “suppression record”).

## **KEEPING IN TOUCH, FUNDRAISING AND SUPPORTING THE SCHOOL**

The school and/or any relevant other organisation, eg Friends, Old Caldicotians, Caldicott Foundation, 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, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post.

Fundraising helps us to achieve our strategic objectives. As a fundraising organisation, we undertake in-house research and from time to time engage specialist agencies to gather information about you from publicly available sources, for example, Companies House, the Charity Commission, the Electoral Register, company websites, ‘rich lists’, social networks such as LinkedIn, political and property registers, articles in publications and news archives.

We may also carry out wealth screening to fast track the research using our trusted third party partners. You will always have the right to opt out of this processing. We may also carry out research using publicly available information to identify individuals who may have an affinity to our cause but with whom we are not already in touch. We also use publicly available sources to carry out due diligence on donors in line with the charity’s Gift Acceptance Policy and to meet money laundering regulations.

We carry out our research and analysis with care, avoiding solely automated processing or profiling, in order to respect individual’s rights under data protection law. This research helps us to understand more about you as an individual so we can focus conversations we have with you about fundraising and volunteering in the most effective way, and ensure that we provide you with an experience as a donor or potential donor which is appropriate for you.

We keep in touch with Old Caldicotians, current or former parents or other members of the school community. Unless the relevant individual objects, the school may:

- 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 Old Caldicotians and the Caldicott Foundation.
- Collect information from publicly available sources about parents’ and former pupils’ occupation and activities, in order to promote and raise funds for the school and, where appropriate, other worthy causes;
- Contact parents and/or alumni (including via the organisations above) by post, email and social media

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 Nancy Wright in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the school may need nonetheless to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

## **YOUR RIGHTS**

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

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.

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, the school may ask you to reconsider, or require a reasonable fee for the administrative costs of complying with the request, or in certain cases refuse the request (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, 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) are limited to your own personal data, and certain data is exempt. 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 the school, or documents prepared in connection with a legal action, or where a duty of confidence is owed by a legal adviser).

The school is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers, potentially including in mock exam scripts or other types of exams / tests used to assess performance – although markers' comments may still be disclosable if they constitute pupil personal data). The school is also not required to provide examination or other test marks ahead of their ordinary publication date, nor share any confidential reference held by the school that was (or will be) given 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 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 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. For older pupils, the parent making the request may need to evidence their child's authority for the specific request. Requests not considered in the child's best interests may sometimes be refused.

Pupils aged e.g. 12/13 and above are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Older Prep School children may be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

- 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 without their consent. The school may consider there are lawful grounds for sharing with or without reference to that pupil.

Parents will in general receive educational and pastoral updates about their children. Where parents are separated, 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 the express wishes of the child, court orders, or pastoral issues.

All information requests from, on behalf of, or 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 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 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 an alumni or parents' association has been requested).

## **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 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 the school relying on strict consent (see section on Consent above).

Where consent is required, it may in some cases be necessary or appropriate – given the nature of the processing in question, and the pupil's age and understanding – to seek the pupil's consent, either alongside or in place of parental consent. Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances.]

In general, the school will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare. That is 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 relevant policies, e.g. IT: acceptable use policy and the school rules. Staff are under professional duties to do the same covered under the relevant staff policy.

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 assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare, unless, in the school's opinion, there is a good reason to do otherwise.

However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, the school may be under an obligation to maintain confidentiality unless, in the school's opinion, there is a good reason to do otherwise; for example where the school believes disclosure will be in the best interests of the pupil or other 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 Use of Technology Agreement and the School Rules. Staff are under professional duties to do the same covered under the relevant staff policy.

## **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. Individuals must please notify Nancy Wright, of any significant changes to important information held about them, such as contact details.

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 Act): please see above for details of why the school may need to process your data, of who you may contact if you if you disagree.

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.

## **THIS POLICY**

The school 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 Data Protection Lead, Nancy Wright, using the following contact details:

Nancy Wright  
HR Manager  
Caldicott  
Crown Lane  
Farnham Royal  
Buckinghamshire  
SL2 3SL

[Nancy.wright@caldicott.com](mailto:Nancy.wright@caldicott.com)

01753 649313

If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the school complaints / grievance procedure and should also notify the Data Protection Lead.

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 within the school before involving the regulator.

**Date of Notice: 14<sup>th</sup> April 2023**