

# Data Protection Policy

---

## 1. Introduction

- 1.1. This policy is intended to provide information about how the school obtains, uses and discloses personal data about individuals including: its staff; its volunteers; its current, past and prospective pupils; their parents, carers or guardians (referred to in this policy as "parents"); and 'friends' who may wish to stay informed about the work of the school. The policy intends to align with the Protection of Personal Information Act gazetted 26 November 2013 and the associated regulations.
- 1.2. This policy applies alongside the school's Terms & Conditions and any relevant policies, including:
  - 1.2.1. any contract between the school and its staff or the parents of pupils;
  - 1.2.2. the school's procedures on the use of photographs and videos;
  - 1.2.3. the school's Child Protection Policy or Health and Safety Policy, including how safeguarding concerns or first aid incidents are recorded;
- 1.3. Anyone who works for, or acts on behalf of, the school (including staff, volunteers, governors and service providers) should also comply with this policy.

## 2. Responsibility for Data Protection

- 2.1. The School has appointed Mrs Karen Wood, the School Principal, to deal with 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 POPIA.
- 2.2. Mrs Wood can be contacted via the School Office.

## 3. The School's Right to Process Personal Data

- 3.1. In order to fulfill its contractual obligations and/or to carry out its ordinary duties to staff, pupils, parents, and regular volunteers, the school needs to process a wide range of personal data about individuals as part of its daily operation. This personal data will be used in accordance with the school's legitimate interests.
- 3.2. The school expects that the following uses will fall within that category of its legitimate interests:
  - 3.2.1. For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
  - 3.2.2. To provide education services;
  - 3.2.3. Maintaining relationships with alumni and the school community, including direct marketing or fundraising activity;
  - 3.2.4. For the purposes of research and statistical analysis, including that imposed or provided for by law;
  - 3.2.5. To enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate;

- 3.2.6. To give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils;
  - 3.2.7. 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;
  - 3.2.8. To safeguard pupils' welfare and provide appropriate pastoral care;
  - 3.2.9. To monitor pupil use of the school's IT and communications systems;
  - 3.2.10. To make internal and/or external use of photographic images in accordance with the school's policy on using photographs and videos of pupils;
  - 3.2.11. To carry out or cooperate with any school or external complaints, disciplinary or investigation process; and
  - 3.2.12. Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.
- 3.3. In addition, the school will on occasion need to process special category personal data. This will include:
- 3.3.1. To safeguard pupils' welfare and provide appropriate pastoral and 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;
  - 3.3.2. To provide educational services in the context of any special educational needs of a pupil;
  - 3.3.3. To safely recruit staff, including volunteers, which will include various pre-employment checks;
  - 3.3.4. As part of any school or external complaints, disciplinary or investigation process that involves such data; or
  - 3.3.5. For legal and regulatory purposes and to comply with its legal obligations and duties of care.
- 3.4. Finally, the school will on occasion need to process data of persons, such as 'friends' of Grace Primary School to make them aware of school activities or fundraising needs, or to invite them to a school event. Such use falls outside the school's legitimate interests on the basis of its contractual obligations or ordinary duties to staff, pupils, parents or regular volunteers. In all such cases, the school will seek the explicit consent of such persons to process their personal data. Any data so obtained will be processed in accordance with this policy.

#### **4. Types of Personal Data Processed by the School**

This will include, by way of example:

- 4.1. Names, addresses, telephone numbers, e-mail addresses and other contact details;
- 4.2. Car details (about those who use our car parking facilities) or who transport pupils on behalf of the school in their own car;
- 4.3. Bank details and other financial information, e.g. about parents who pay fees to the school, or staff who are paid wages direct to their bank;

- 4.4. Past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- 4.5. Personnel files, including in connection with academics, employment or safeguarding;
- 4.6. Where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- 4.7. 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;
- 4.8. Correspondence with and concerning staff, pupils and parents past and present; and
- 4.9. Images of pupils engaging in school activities, in accordance with the school's procedures for the use of photographs and videos.

## **5. How the School Collects Data**

- 5.1. Generally, the school receives personal data from the individual directly (including, in the case of pupils, from their parents). This may be via an online application, a form, or simply in the ordinary course of interaction or communication (such as email or written assessments).
- 5.2. 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.

## **6. Access to Data Held by the School**

- 6.1. Occasionally, the school will need to share personal information relating to its services with third parties, such as:
  - 6.1.1. Professional advisers (e.g. lawyers, insurers, PR advisers, accountants and auditors);
  - 6.1.2. Service providers (e.g. SAGE Finance and Payroll, Staff pension providers);
  - 6.1.3. Government authorities (e.g. WCED, police or the local authority); and
  - 6.1.4. Appropriate regulatory bodies (e.g. The Independent Schools Association of South Africa)
- 6.2. 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 on a 'need to know' basis. Particularly strict rules of access apply in the context of:
  - 6.2.1. Medical records;
  - 6.2.2. Welfare or child protection files;
  - 6.2.3. Special educational needs (SEN) information.
- 6.3. A certain amount of any SEN pupil's relevant information will need to be provided to staff more widely to provide the context of providing the necessary care and education that the pupil requires.
- 6.4. Staff, pupils and parents are reminded that the school is under duties imposed by law and statutory guidance 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, and in some cases referrals to relevant local authorities or police.

- 6.5. In accordance with POPIA, some of the school's processing activity is carried out on its behalf by third parties, such as web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the school's specific directions.

## **7. How Long the School Keeps Personal Data**

- 7.1. 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.
- 7.2. Specific queries about how this is applied can be directed to the school. The school will often have lawful and necessary reasons to hold on to some personal data even following such requests.
- 7.3. A limited and reasonable amount of information will be kept for archiving purposes; and even where requests have been received for no further contact, a record of this fact will need to be kept.

## **8. Your Rights**

- 8.1. The rights under POPIA belong to the individual to whom the data relates (*data subject*). However, the school will defer to the wishes of parents, on the basis of Parental Responsibility, to process personal data relating to pupils. The school will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, that is, unless, in the school's opinion, there is a good reason to do otherwise.
- 8.2. Where a pupil seeks to raise concerns confidentially, the school will respect confidentiality unless there is, in the school's opinion, a good reason to do otherwise. Such reasons could include where the school believes disclosure will be in the best interests of the pupil, his or her parent(s), or other pupils, or if breaching confidentiality is required by its Child Protection Policy or by law.

## **9. Pupil requests**

- 9.1. Pupils can make 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.
- 9.2. A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.
- 9.3. All information requests from, on behalf of, or concerning pupils will be considered on a case by case basis.

## **10. Rights of Access**

- 10.1. Individuals have various rights under POPIA to access and understand personal data about themselves held by the school, and in some cases ask for it to be erased or amended or

have it transferred to others, or for the school to stop processing it, subject to certain exemptions and limitations.

- 10.2. Any individual wishing to access or amend their personal data, or wishing it to be transferred to another person or organisation, or who has some other objection to how their personal data is used, should put their request in writing to the school.

## **11. Limitations upon your Rights**

The right of access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals, or information which is subject to legal privilege. The school is also not required to disclose any pupil assessment scripts, provide assessment or other test marks ahead of any ordinary publication, nor share any confidential reference given by the school itself for the purposes of the education, training or employment of any individual.

### **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 the School Office 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 POPIA).

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 POPIA.

### **Queries and Complaints**

Any comments or queries on this policy should be directed to the School Office. If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with POPIA, they should utilise the school's Complaints / Grievance Procedure and should also notify the School Head.

### **Monitoring, Evaluation and Review**

Regular review of this policy will enable staff to evaluate the effectiveness of this policy and our practice.

Authorised by: GPS Board of Governors

Date: March 2021

Effective date of the policy: 1 July 2021

Review date: 1 July 2022

Circulation: Board, Staff, Parents, website