



1 INTRODUCTION

- 1.1 The Mount Kelly Foundation is a registered charity and our registered charity number is 306716. We take our responsibilities as a data controller seriously and are committed to using the personal data we hold in accordance with the law. References in this Notice to "the School" include the Mount Kelly Foundation and, where applicable, its trading subsidiaries.
- 1.2 This privacy notice provides detailed information about how we use (or "process") personal data. Please read it carefully and if you have any questions regarding your personal data or its use, please contact the Privacy Officer on privacy@mountkelly.com.
- 1.3 The Foundation includes a number of trading subsidiaries; Mount Kelly Enterprises Limited (registered number 01482627); Mount Kelly Swimming Limited (registered number 10066675); and Mount Kelly Overseas Limited (registered number 10012171).

2 WHAT THIS PRIVACY NOTICE IS FOR

- 2.1 This Privacy Notice is intended to provide information about how the School will collect, use and hold (or "process") personal data about individuals including: current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents").
- 2.2 This makes the School a data controller of your personal information. This information is provided because data protection law gives individuals rights to understand how their data is processed. This Privacy Notice sets out how we will use that information and what your rights are in respect of the data we hold about you.

3 TYPES OF PERSONAL DATA WE PROCESS

- 3.1 We process personal data about prospective, current and past:
 - pupils and their parents;
 - staff, suppliers and contractors;
 - governors;
 - donors, friends and supporters, and other individuals connected to or visiting the School.

3.2 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;
- Car details for those who use our car parking facilities;
- 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 visual recordings;
- Financial information (e.g. for bursary assessment);
- Courses, meetings or events attended.

3.3 As a school, we need to process special category personal data (e.g. concerning health or biometric data) and criminal records information about some individuals (particularly staff and contractors). We do so in accordance with applicable law (including in relation to safeguarding, education and employment) and the conditions permitted under Article 9 UK GDPR and the Data Protection Act 2018. In limited circumstances, we may also rely on explicit consent where appropriate.

4 COLLECTING, HANDLING AND SHARING PERSONAL DATA

4.1 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 (e.g. referees, previous schools, the Disclosure and Barring Service (DBS) or professionals and authorities working with the individual) or from publicly available resources.

4.2 Personal data held by us is processed by appropriate members of staff for the purpose 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 the use of technology and devices, and access to school systems. We do not transfer personal data unless we are satisfied that appropriate technical, organisational and legal safeguards are in place to protect it in accordance with applicable data protection law.

4.3 In the course of school business, we share the personal data (including special category personal data where appropriate) with third parties such as the School's doctors, the School's professional advisers and relevant authorities (e.g. the Local Safeguarding Partnership, DBS, UK Visas and Immigration, HM Revenue and Customs, the Department for Education and the Department for Work and Pensions). Some of our systems are provided by third parties, e.g. hosted databases. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with specific directions.

- 4.4 We share personal data about former pupils with the Old Mount Kelleians (“the OMK”). We do not otherwise share or sell personal data to other organisations for their own purposes.

5 PURPOSES FOR WHICH WE PROCESS PERSONAL DATA

- 5.1 We process personal data to support the School’s operation as an independent day and boarding school for pupils aged 4– 18, and in particular for:

- 5.2 The 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 to pupils** (and parents) including the maintenance of discipline; provision of careers and library services; administration of sports teams and fixtures, school trips; provision of the School’s IT and communications system in accordance with our IT policies;

- 5.3 The safeguarding of pupils’ welfare and provision of pastoral care and healthcare services;

- **Compliance with legislation and regulation** including the preparation of information for inspections by the Independent Schools Inspectorate, submission of annual census information to each of the Independent Schools Council and the 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 biometrics and CCTV in accordance with our biometric and CCTV policies, and monitoring the School’s IT and communications system in accordance with our ICT Acceptable Use policy, Mobile Devices Guidance and Guidelines for Staff Social Media Use); 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 archives and other operational purposes;
- **Staff administration** including the recruitment of staff/engagement of contractors (including compliance with DBS procedures); administration of payroll and 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 our own social media channels); and

- **Maintaining relationships with the OMKs and the wider school community** by communicating with the body of current and former pupils and/or their parents or guardians and organising events.

5.4 We process personal data under a range of lawful bases, depending on the activity concerned, including:

- performance of a contract (for example parental contracts and employment contracts);
- compliance with legal obligations;
- protection of vital interests in safeguarding and emergency situations;
- legitimate interests in operating and promoting the School and maintaining relationships with our community; and
- consent, where this is specifically required.

5.5 Where we process special category personal data, we rely on the additional conditions available under Article 9 UK GDPR and the Data Protection Act 2018.

5.6 Some of our service providers may process personal data outside the United Kingdom. Where this occurs, we ensure appropriate safeguards are in place in accordance with UK data protection law, including adequacy regulations, the UK International Data Transfer Agreement (IDTA), or other approved transfer mechanisms.

6 FUND-RAISING AND KEEPING IN TOUCH

6.1 Fundraising helps us to achieve our strategic objectives of remaining independent and supporting our pupils and their families. We fundraise from individuals, companies and foundations who wish to support our charitable purposes. We do not engage third-party profiling companies to undertake wealth screening or fundraising profiling on our behalf.

6.2 We keep in touch with OMKs, current and former parents and other members of the school community. We will use your contact details to keep you updated about our charitable activities and invite you to events of interest by email and by post. We ask you to let us know your data preferences so that we can ensure our communications are relevant to you. You can update your data preferences at any time using privacy@mountkelly.com or the link in our emails. Your communication preferences will be respected in relation to fundraising and marketing communications. Certain operational, contractual or legal communications may still be sent where necessary.

7 HOW LONG WE KEEP PERSONAL DATA

7.1 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 the Privacy Officer.

8 YOUR RIGHTS

- 8.1 You have various rights under Data Protection Law 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 subject to certain exemptions and limitations. Depending on the circumstances, individuals may also have rights to restrict processing, object to processing and request portability of personal data.
- 8.2 You always have the right to withdraw consent, where given, or otherwise object to receiving generic or fundraising communications. Please be aware however that the School may have another lawful reason to process the personal data in question 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 you (e.g. an employment or parental contract, or because of the purchase of goods or services).
- 8.3 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 objection to how your personal data is used, please make your request in writing to the Privacy Officer.
- 8.4 We will respond to such written requests as soon as 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 require a proportionate fee but only where Data Protection Law permits it.
- 8.5 You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information that 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 to the School for the purposes of the education, training or employment of any individual.

9 PUPIL DATA

- 9.1 The rights under the Data Protection legislation belong to the individual to whom the data relates. However, we will often rely upon 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 upon the pupil's consent.
- 9.2 Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights in law or under the contract, and all the circumstances.
- 9.3 In general, we will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare, unless in the School's opinion, there is a good reason to do otherwise.

9.4 However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their 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 that disclosure will be in the best interests of the pupil and other pupils, or is required by law.

9.5 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.

10 CHANGE OF DETAILS

10.1 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 the Privacy Officer of any significant changes to important information, such as contact details, held about you.

11 THIS POLICY

11.1 Our privacy notice should be read in conjunction with our other policies and terms and conditions that make reference to personal data, including our Parental Contract, our Safeguarding policy, Health and Safety policies, ICT Acceptable Use policy, Mobile Devices Guidance and Guidelines for Staff Social Media Use.

11.2 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.

11.3 If you believe that we have not complied with this policy or have acted otherwise than in accordance with the Data Protection Law, you should notify the Privacy Officer. You can also make a referral 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.