

Fair Processing Notice

Hautes Capelles Primary School (HCPS) processes your personal data in line with its core mandate. The Committee for Education, Sport and Culture is the registered data controller for all activities which are summarised within this notice. HCPS processes personal data to discharge those duties and responsibilities as per its core mandate, and more specifically under the Education (Guernsey) Law, 1970 and the Bailiwick of Guernsey Curriculum.

HCPS aligns itself with the Bailiwick of Guernsey's Four Core Purposes and Outcomes, as detailed within the Bailiwick of Guernsey Curriculum. The Four Core purposes enable children and young people to become:

- Effective Contributors
- Confident Individuals
- Successful Learners
- Responsible Citizens

To realise the Four Core Purposes, the curriculum is dedicated to supporting the Four Core Outcomes of the Children and Young People's Plan (CYPP) to ensure that children are:

- Healthy and Active
- Safe and Nurtured
- Included and Respected
- Reaching their Individual Potential

For more information on the Bailiwick of Guernsey Curriculum and the Children and Young People's Plan, please see:

<https://gov.gg/curriculum>

<https://gov.gg/cypp>

1. The Data Protection Law

HCPS acknowledges its obligations under the Data Protection (Bailiwick of Guernsey) Law 2017, (the Law) which provides a number of requirements in terms of processing activities involving personal data. The controller acknowledges the general principles of processing as well as the rights of a data subject. This notice provides information regarding how HCPS complies with the principles of processing; for more information about the rights of a data subject, please visit <https://www.gov.gg/dp>.

2. The Principles of Processing

a. Lawfulness, fairness and transparency

Personal data must be processed lawfully, fairly and in a transparent manner.

In order to provide mandated educational service provision, HCPS collects personal data directly from the parents and/or appointed guardians of pupils. No personal data is collected from any publically available source. There are occasions when the controller collects “Special Category Data” (the most sensitive data as defined by data protection law); these instances along with the lawful basis for the processing are highlighted within this notice.

HCPS uses the information that it collects for multiple purposes which are linked to its core mandated responsibilities in administering education to its pupils as per the Education (Guernsey) Law, 1970 and in line with the Bailiwick of Guernsey Curriculum. HCPS collects the following personal data:

- Basic personal data relating to parents, appointed guardians and pupils such as full name, address, date of birth, email address and contact information;
- Language and nationality of pupils;
- Images including photos and CCTV; and
- General information regarding pupils’ educational activities such as behavioral records, test and examination results and academic reports.

In terms of Special Category Data, HCPS may collect information revealing:

- Health and medical information of pupils including any special educational needs information;
- Racial or ethnic origin;
- Religious or philosophical belief; and
- Genetic data.

The personal and special category data above is collected and processed in order to discharge the responsibilities of the Committee for Education, Sport and Culture. The lawful basis for collecting and processing each category of personal data and special category data is dependent upon the specific processing activity in question. The table below lists the operational function and information source, the personal data which is required to fulfil each function and the lawful basis for the respective processing activities.

Information Source and its	Personal Data	Lawful Basis for Processing
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Operational Function		
<p>Data collected and stored on the School Information Management System (SIMS). The system holds the core pupil and parent/guardian personal data.</p>	<p><u>Basic Personal Data</u></p> <p>Pupils: Full name, address, date of birth, contact information for next of kin, photos, CCTV footage, language and nationality.</p> <p>Parents/guardians: Full name, address and contact details.</p> <p><u>Special Category Data</u></p> <p>Health and medical information of pupils and occasionally, parents and/or appointed guardians, genetic data, racial or ethnic origin, religious or philosophical belief, genetic data.</p>	<p><u>Basic Personal Data</u></p> <p>Schedule 2, Part 1, Condition 5:</p> <p>“The processing is necessary for the exercise or performance by a public authority of –</p> <p>(a) A function that is of a public nature, or</p> <p>(b) A task carried out in the public interest.</p> <p><u>Special Category Data</u></p> <p>Schedule 2, Part 2, Condition 10 (a):</p> <p>“The processing is necessary for a health or social care purpose and is undertaken by –</p> <p>(i) a health professional, or</p> <p>(ii) a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if the person were a health professional”.</p>
<p>Data collected and stored on the Private Fund Management software (PFM). The software is linked to SIMS (see above) and it provides fund management for school</p>	<p><u>Basic Personal Data</u></p> <p>Pupils: Full name, address, date of birth and contact information for next of kin.</p>	<p><u>Basic Personal Data</u></p> <p>Schedule 2, Part 1, Condition 5:</p> <p>“The processing is necessary for the exercise or performance by a public</p>

trips etc.	Parents/guardians: Full name, address and contact details.	authority of – (a) A function that is of a public nature, or (b) A task carried out in the public interest.
Data collected and stored on Groupcall. Groupcall is linked to SIMS and provides a system for improved parental engagement via instant online messaging etc.	<u>Basic Personal Data</u> Pupils: Full name, address, date of birth and contact information for next of kin. Parents/guardians: Full name, address and contact details.	<u>Basic Personal Data</u> Schedule 2, Part 1, Condition 5: “The processing is necessary for the exercise or performance by a public authority of – (a) A function that is of a public nature, or (b) A task carried out in the public interest.
Data collected and stored on the school website.	<u>Basic Personal Data</u> Pupils: photos, full name and date of birth.	<u>Basic Personal Data</u> Schedule 2, Part 1, Condition 1: “The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed”.
Data collected and stored on the Micro Librarian System. System is linked to SIMS and provides an online library management system.	<u>Basic Personal Data</u> Pupils: Full name and date of birth/year group.	<u>Basic Personal Data</u> Schedule 2, Part 1, Condition 5: “The processing is necessary for the exercise or performance by a public authority of – (a) A function that is of a public nature, or

		(b) A task carried out in the public interest.
Electronic Drives where correspondence, school reports etc. are saved.	<p><u>Basic Personal Data</u></p> <p>Pupils: Full name, address, date of birth, email address, photographs and contact information; language, nationality and general information regarding pupils' educational activities such as behavioral records, test and examination results and academic reports.</p>	<p><u>Basic Personal Data</u></p> <p>Schedule 2, Part 1, Condition 5:</p> <p>"The processing is necessary for the exercise or performance by a public authority of –</p> <p>(a) A function that is of a public nature, or</p> <p>(b) A task carried out in the public interest.</p> <p>For processing photographs: Schedule 2, Part 1, Condition 1:</p> <p>"The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed".</p>
Locked paper files/filing cabinets containing child protection data, data on children's special educational needs, general pupil information, student's medical information and also staff data.	<p><u>Basic Personal Data</u></p> <p>Pupils: Full name, address, date of birth, email address, photographs and contact information; language, nationality and general information regarding pupils' educational activities such as behavioral records, test and examination results and academic reports.</p>	<p><u>Basic Personal Data</u></p> <p><u>Basic Personal Data</u></p> <p>Schedule 2, Part 1, Condition 5:</p> <p>"The processing is necessary for the exercise or performance by a public authority of –</p> <p>(a) A function that is of a public nature, or</p> <p>(b) A task carried out in the public interest.</p>

	<p>Parents: Full name, address and contact details.</p> <p>Staff: Full name, address and contact details.</p> <p><u>Special Category Data</u></p> <p>Pupils: Child protection data, special educational needs data and medical information.</p> <p>Staff: Medical information.</p>	<p>For processing photographs:</p> <p>Schedule 2, Part 1, Condition 1:</p> <p>“The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed”.</p> <p><u>Special Category Data</u></p> <p>For processing medical information and special educational needs data:</p> <p>Schedule 2, Part 2, Condition 10 (a):</p> <p>“The processing is necessary for a health or social care purpose and is undertaken by –</p> <p>(i) a health professional, or</p> <p>(ii) a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if the person were a health professional”.</p> <p>For processing child protection data: Schedule 2, Part 2, Condition 8:</p> <p>“The processing is necessary for the controller to exercise any right or power, or perform or comply with any duty, conferred or imposed on the controller by an enactment”. I.e. – the Children (Guernsey and</p>
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Data collected and stored on Google drive.	<p><u>Basic Personal Data</u></p> <p>Pupils: Full name, photographs, general information regarding pupils' educational activities such as reports and class work etc. and any further data that the end user chooses to upload.</p>	<p><u>Basic Personal Data</u></p> <p>Schedule 2, Part 1, Condition 5:</p> <p>"The processing is necessary for the exercise or performance by a public authority of –</p> <p>(a) A function that is of a public nature, or</p> <p>(b) A task carried out in the public interest.</p> <p>For processing photographs:</p> <p>Schedule 2, Part 1, Condition 1:</p> <p>"The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed".</p>
Additional apps, websites and systems. See appendix A for a full list.	See Appendix A for personal data that is processed.	See Appendix A for lawful basis in relation to each activity.

In some circumstances, personal data (and some special category data) held by the SIMS may be transferred to another controller within the States of Guernsey, such as the Committee *for* Health & Social Care, for reasons relating to physiotherapy, occupational therapy or speech therapy requirements of pupils. The lawful basis for the transfer of personal data for these reasons is: Schedule 2, Part 2, Condition 10 (a): "The processing is necessary for a health or social care purpose and is undertaken by a health professional, or a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if the person were a health professional".

Equally in some circumstances, personal data (and some special category data) held by the SIMS may be transferred to the Sports Commission in order to facilitate pupil involvement in sport related activities hosted by the Sports Commission. The lawful basis for this processing

is: Schedule 2, Part 3, Condition 18: “The data subject has given explicit consent to the processing of the personal data for the purpose for which it is processed”.

b. Purpose limitation

Personal data must not be collected except for a specific, explicit and legitimate purpose and, once collected, must not be further processed in a manner incompatible with the purpose for which it was collected.

HCPS acknowledges its responsibility with regards to this data protection principle and therefore the controller maintains that it will not further process that personal data in a way which is incompatible to its original reason for processing as specified in section 2a, unless the controller is required to do so by law.

c. Minimisation

Personal data processed must be adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.

HCPS maintains that it will only process the personal data which is detailed in section 2a, and will not process any further personal data that is not necessary in relation to the original reason for processing personal data as specified in section 2a, unless the controller is required to do so by law.

d. Accuracy

Personal data processed must be accurate, kept up-to-date (where applicable) and reasonable steps must be taken to ensure that personal data that is inaccurate is erased or corrected without delay.

HCPS will ensure that all personal data that it holds is accurate and kept up-to-date, and any personal data that is inaccurate will be erased or corrected without delay, with the provisions of the Law as applicable.

e. Storage limitation

Personal data must not be kept in a form that permits identification of a data subject for any longer than is necessary for the purpose for which it is processed.

HCPS acknowledges its responsibility in relation to this principle. Personal data and Special Category Data will be retained in accordance with the States of Guernsey Records Management Policy and the Schools’ Retention and Disposal Schedule. For more information in relation to either of these documents, please contact the Data Protection Officer for Education, Sport & Culture (see below for contact details).

f. Integrity and confidentiality

Personal data must be processed in a manner that ensures its appropriate security, including protecting it against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All personal data held by HCPS is protected and securely stored and in order to prevent unauthorised or unlawful processing, the controller has put in place suitable physical, electronic and managerial procedures to safeguard and secure the information that is collected. Access to electronic or paper records is tightly controlled and all employees are vetted in a manner commensurate with the role that they are expected to undertake. Protocols and followed to ensure that employees only have access to areas and documents as required to undertake their role. Access to records is monitored and effectively managed.

g. Accountability

The controller is responsible for, and must be able to demonstrate, compliance with the data protection principles.

3. Contact Details

The contact details of the controller (the Committee for Education, Sport and Culture) are as follows:

Tel: 01481 733000

Email: educationsportandculture@gov.gg

The contact details for the Data Protection Officer of Education, Sport and Culture (Matthew Loaring) are as follows:

Tel: 01481 717000 (Ext 677 2129)

Email: data.protection@gov.gg and/or matthew.loaring@gov.gg

Appendix A – List of additional websites and apps utilised by HCPS

Below is a list of apps and websites utilised by HCPS. Where an app or website is used for educational purposes, the lawful basis for the processing is: Schedule 2, Part 1, Condition 5: “The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature, or a task carried out in the public interest”.

Where an app or website is not used for education purposes and thus does not fit within ESC’s core mandate (as per the Education (Guernsey) Law, 1970 and the Bailiwick of Guernsey Curriculum), the lawful basis for the processing is: Schedule 2, Part 1, Condition 1:

“The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed”.

Where the use of an app or website requires the transfer of personal data outside of the EEA, irrespective of whether they are for educational purposes or not, the lawful basis for this processing is: Schedule 2, Part 3, Condition 18: “The data subject has given explicit consent to the processing of the personal data for the purpose for which it is processed”. In these instances, in accordance with Section 59(d) of the Data Protection (Bailiwick of Guernsey) Law, 2017, the data subject is asked to provide their explicit consent after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision in respect of the unauthorised jurisdiction.

Apps/Websites etc.		
Name	Information and Lawful Basis	DP Information
ClassDojo	<p>About: App which allows parents, student and teachers to communicate.</p> <p>Location: California, USA.</p> <p>Personal data: Children’s names, parent’s names, age, year group, class, school progress, photographs, gender, language, videos, audio files, IP address, browse details, access times, mobile device ID.</p> <p>Lawful basis for processing:</p> <p>Schedule 2, Part 3, Condition 18:</p> <p>“The data subject has given explicit consent to the processing of the personal data for the purpose for which it is processed”.</p>	<p><u>ClassDojo</u></p> <p><u>Privacy</u></p> <p><u>Policy</u></p>
Evolve	<p>About: Website which offers early childhood education facilities.</p> <p>Location: Auckland, New Zealand.</p> <p>Personal data: Name and contact details.</p> <p>Lawful basis for processing:</p> <p>Schedule 2, Part 3, Condition 18:</p>	<p><u>Evolve</u></p> <p><u>Privacy</u></p> <p><u>Notice</u></p>

	<p>“The data subject has given explicit consent to the processing of the personal data for the purpose for which it is processed”.</p>	
Groupcall	<p>About: Home-school communication solution.</p> <p>Location: Data located on “Microsoft Azure” platform in Europe.</p> <p>Personal data: Direct link to SIMS.</p> <p>Lawful basis for processing:</p> <p>Schedule 2, Part 1, Condition 1:</p> <p>“The data subject has requested or given consent to the processing of the personal data for the purpose for which it is processed”.</p>	<p>Groupcall</p> <p>Privacy</p> <p>Notice</p>
Mathletics	<p>About: Website providing mathematics support for (primary and secondary age) students.</p> <p>Location: 3P Learning Ltd, USA. Data held on Microsoft Azure Cloud (isolated network and not a public cloud) which uses EU-U.S. Privacy Shield framework.</p> <p>Personal data: Name, contact information (including phone and email address), school name, class year and country of residence.</p> <p>Lawful basis for processing:</p> <p>Schedule 2, Part 3, Condition 18:</p> <p>“The data subject has given explicit consent to the processing of the personal data for the purpose for which it is processed”.</p>	<p>3plearning</p> <p>Privacy</p> <p>Policy</p>
NESSY	<p>About: Software for schools to assist with dyslexia, apps as well as a website.</p>	<p>Nessy</p> <p>Privacy</p> <p>Policy</p>

	<p>Location: Nessy Learning Ltd, UK.</p> <p>Personal data: Student names. Student progress.</p> <p>Lawful basis for processing:</p> <p>Schedule 2, Part 1, Condition 5:</p> <p>“The processing is necessary for the exercise or performance by a public authority of a function that is of a public nature, or a task carried out in the public interest”.</p>	
Read Theory	<p>About: Website which provides education in reading and writing skills.</p> <p>Location: US.</p> <p>Personal data: Name and email address.</p> <p>Lawful basis for processing:</p> <p>Schedule 2, Part 3, Condition 18:</p> <p>“The data subject has given explicit consent to the processing of the personal data for the purpose for which it is processed”.</p>	<p>Read Theory Privacy Policy</p>
Scratch	<p>About: Website which provides education in coding.</p> <p>Location: US.</p> <p>Personal data: Username, country of origin, birth month and year, gender and email address.</p> <p>Lawful basis for processing:</p> <p>Schedule 2, Part 3, Condition 18:</p> <p>“The data subject has given explicit consent to the processing of the personal data for the purpose for which it is processed”.</p>	<p>Scratch Privacy Policy</p>