



St Andrew's School, Turi

Data Protection Privacy Notice

1. Notice

Notice statement

The Kenya Data Protection Act (2019) is established to, among other things:

- Give effect to Article 31(c) and (d) of the Constitution of Kenya
- Establish the office of Data Protection Commissioner
- Make provision for the regulation of the processing of personal data
- Provide for the rights of data subjects and obligations of data controllers and processors

The EU General Data Protection Regulation (GDPR) includes rules on giving privacy information to those whose data is held by an organisation (data subjects). These regulations apply to all EU citizens wherever they are located and will affect any of our students irrespective of nationality who travel to Europe on school trips. As such the School is ensuring that its systems in so far as it is possible are compliant with the GDPR.

The regulation places an emphasis on making privacy notices understandable and accessible. Data controllers are expected to take 'appropriate measures' to ensure that this is the case.

The School interprets this as using very clear language to outline each of the responsibilities for each of the data subject groups.

The GDPR says that the information provided to data subjects about how the School processes their personal data must be:

- concise, transparent, intelligible and easily accessible;
- written in clear and plain language, particularly if addressed to a child; and
- free of charge.

These requirements are about ensuring that privacy information is clear and understandable for data subjects. This privacy notice deals with the overall privacy responsibilities of the School but includes, as appendices the particular notices that apply to parents, students over the age of 13, staff, governors and alumni. You should read the appendix which is appropriate to you along with the overarching notice.

Scope

Anyone who works for, or acts on behalf of the School (including staff, volunteers, governors and service providers) and is involved in the processing of personal data is required to comply with this notice. The School's Staff Privacy Notice also provides further information about how personal data about those individuals will be used.

Definition

Data Protection is the process of safeguarding important information from corruption and/or loss.

Data means information which

- (a) is being processed by means of equipment operating automatically in response to instructions given for that purpose
- (b) is recorded with the intention that it should be processed by means of such equipment
- (c) is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system
- (d) does not fall within paragraph (a), (b) or (c) but forms part of an accessible record, or
- (e) is recorded information held by a public authority and does not fall within any of paragraphs (a) to (d)

Personal data covers information relating to identifiable individuals, such as job applicants, current and former employees, agency, contract and other staff, students and their parents, suppliers and marketing and business contacts. It includes expressions of opinion about the individual, any indication of someone else's intentions towards the individual, information necessary for employment such as the member of staff's name and address and details for payment of salary.

Terminology

In this notice, '**Board**' refers to the Board of Governors; '**School**' refers to both the Senior and Preparatory Schools either separately or jointly depending on the context; '**Director**' refers to the School's Executive Director; '**Head**' refers to both the Head of the Senior School and the Head of the Preparatory School; '**Ops Director**' refers to the Operations & Projects Director '**F & S Director**' refers to the Finance and Strategy Director; '**Staff**' refers to all those working for or on behalf of the School (including staff working on behalf of third part contractors), full or part-time, permanent or temporary, in either paid or voluntary capacities; and '**Parents**' includes one or both of the parents, and legal or education guardians.

Legal and regulatory framework

This notice is based on best practice in Kenya & the UK, which in turn is based on Kenya & UK Data Protection Acts (2019 & 2018 respectively)

Review

This notice will be subject to annual review by the School Executive Committee (SEC).

2. Roles and responsibilities

The Board

The Board has overall responsibility for ensuring that the School has a robust framework for managing data held by the School through appropriate documented policies and procedures, appointment of suitably trained personal and provision of adequate resources.

The Privacy and Compliance Officer

The Board has appointed the Finance and Strategy Director (FinanceDirector@turimail.co.ke) as the Privacy and Compliance Officer (PCO). The PCO is responsible for:

- monitoring and reporting compliance with data protection legislation to the Board
- dealing with all requests and enquiries concerning the School's use of your personal data
- chairing incident panels and investigations into data breaches
- maintenance of the GDPR risk register recording any data protection breaches that have come to light and how they have been resolved
- providing guidance to staff and governors on matters relating to the processing of personal data

3. Principles

In order to carry out its ordinary duties to staff, students and parents, the School may process a wide range of personal data about individuals (including current, past and prospective students, parents or staff) 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 students, parents of its students or staff.

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 it's (or its community's) **"legitimate interests"**

- for the purposes of student selection (and to confirm the identity of prospective students and their parents)
- to provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities to students, and monitoring students' progress and educational needs
- maintaining relationships with alumni and the School community, including direct marketing or fundraising activity
- for the purposes of donor due diligence, and to confirm the identity of prospective donors and their background and relevant interests
- for the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as diversity or gender pay gap analysis and taxation records)
- 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, current and prospective students, including relating to outstanding fees or payment history, to/from any educational institution that the student attended or where it is proposed they attend; and to provide references to potential employers of past students

- to enable students to take part in national or other assessments, and to publish the results of public examinations or other achievements of students of the School
- to safeguard students' 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 Acceptable Use of IT Policy
- to make use of photographic images of students in school publications, on the School website and (where appropriate) on the School's social media channels in accordance with the School's Use of Images of Children Policy
- for security purposes, including CCTV in accordance with the School's CCTV Policy
- 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, 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 may include

- to safeguard students' 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, social services, insurance purposes or to organisers of school trips
- to provide educational services in the context of any special educational needs of a student
- to provide spiritual education in the context of any religious beliefs
- in connection with employment of its staff, for example DBS checks, welfare or pension plans
- to run any of its systems that operate on biometric data, such as for security and other forms of employee identification
- for legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care

3.1 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 who pay fees to the School
- past, present and prospective students' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks
- where appropriate, information about individuals' health, and contact details for their next of kin
- references given or received by the School about students, and information provided by previous educational establishments and/or other professionals or organisations working with students
- images of students (and occasionally other individuals) engaging in school activities, and images captured by the School's CCTV system (in accordance with the School's policy on taking, storing and using images of children)

3.2 How the School collects data

Generally, the School receives personal data from the individual directly (including, in the case of students, 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).

3.3 Who has access to personal data and who the School will share it with

Occasionally, the School will need to share personal information relating to its community with third parties, such as professional advisers (lawyers and accountants) or relevant authorities (KRA, police or local authorities such as the Ministry of Education or Immigration).

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 (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of

- medical records -held and accessed only by the School Doctor and appropriate medical staff under his/her supervision, or otherwise in accordance with express consent; and
- pastoral or safeguarding files held and accessed by the Designated Safeguarding Leads (DSL's), appropriate pastoral staff, Governors with specific responsibility for Safeguarding and Boarding and School inspectors under the supervision of the DSL's.

However, a certain amount of any SEN student's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the student requires.

Students, parents and staff 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 may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the police. For further information about this, please view the School's Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of the School's processing activity is carried out on its behalf by third parties, such as IT systems, 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.

3.4 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, this is more fully explained in the School's Retention of Records Policy. Typically, the legal recommendation for how long to keep ordinary student and staff 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. If you have any specific queries about how this notice is applied, or wish to request that personal data that you no

longer believe to be relevant is considered for erasure, please contact the Finance and Strategy Director on FinanceDirector@turimail.co.ke. However, please bear in mind that the School may have lawful and necessary reasons to hold on to some data.

3.5 Keeping in touch and supporting the School

The School 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. Unless the relevant individual objects, the School may also:

- 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 Parents' Association, the Old Turians' Association and the UK Trust
- contact parents and/or alumni (including via the organisation above by email 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 the Development Director on DevelopmentOffice@turimail.co.ke 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).

3.6 Your rights

Individuals have various rights under Data Protection Law to access and understand personal data about them held by the School, and in some cases ask for it to be erased or amended or for the School to stop processing it, but subject to certain exemptions and limitations.

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 Finance and Strategy Director on FinanceDirector@turimail.co.ke.

The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within one month in the case of requests for access to information. The School will be better able to respond quickly to smaller, targeted requests for information. If the request is manifestly excessive or similar to previous requests, the School may ask you to reconsider or charge a proportionate fee.

You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal professional privilege. The School is also not required to disclose any student examination scripts (though examiners' comments may fall to be disclosed), nor any confidential reference given by the School for the purposes of the education, training or employment of any individual.

3.7 Student requests

Students 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). Indeed, while a person with parental responsibility will generally be entitled to make a subject access request on behalf of younger students, the information in question is always considered to be the child's at law.

A student of any age may ask a parent or other representative to make a subject access request on his/her behalf. Moreover (if of sufficient age) their consent or authority may need to be sought by the parent making such a request. Students at Senior School 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. Slightly older Prep School children may however be sufficiently mature to have a say in this decision.

All information requests from, or on behalf of, students – whether made under subject access or simply as an incidental request – will therefore be considered on a case by case basis.

3.8 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 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).

3.9 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 consent to process personal data relating to students (if consent is required) unless, given the nature of the processing in question, and the student's age and understanding, it is more appropriate to rely on the student'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 the particular circumstances relating to the processing of that data.

In general, the School will assume that students 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 student's activities, progress and behaviour, and in the interests of the student's welfare, unless, in the School's opinion, there is a good reason to do otherwise.

However, where a student 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 student or other students, or if required by law.

Students are required to respect the personal data and privacy of others, and to comply with the School's Acceptable Use of IT policy, CCTV Policy and Use of Images of Children Policy and the School rules set out in the Student Codes of Conduct. Staff are under professional duties to do the same covered under the Staff Code of Conduct.

3.10 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 Finance and Strategy Director on FinanceDirector@turimail.co.ke 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 or information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law). Please see above for details of why the School may need to process your data and who you may contact 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 notice and their duties under Data Protection Law and receive relevant training.

3.11 This notice

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.

3.12 Queries and complaints

Any comments or queries on this notice should be directed to the Finance and Strategy Director on FinanceDirector@turimail.co.ke.

If an individual believes that the School has not complied with this notice or acted otherwise than in accordance with data protection law, they should utilise the School Complaints Procedure which can be found on the School's website. Staff should use the School's Grievance Procedure which is available on the School's policy drive.

4. Further Documentation

Staff Privacy Notice
CCTV Policy
Use of Images of Children Policy
Acceptable Use of IT Policy
E-Safety Policy
Retention of Records Policy

Compiled by: Finance and Strategy Director
Reviewed by: Board of Governors
Date of review: November 2021
Date of next review: November 2022

Appendix 1

Privacy Notice – parents (or guardians) of children at the School, or applying to join the School

This appendix should be read in conjunction with the introductory paragraphs in section 1 of this privacy notice

This privacy notice will be provided to you at the time your data is being obtained, if it is being obtained directly.

Data will be processed for the purposes of responding to requests for information about joining the School and the School will therefore have a “legitimate interest” for processing basic personal data and sensitive personal data. The data the School holds will be the minimum it requires to form and maintain the contract between you and the School.

The School will share your data with the following service providers who have contracts with the School. To the extent that it is practicable the School has confirmed that these service providers have suitable systems in place for safeguarding and handling of data.

- Photographer
- Health care service provider
- IT software provider

It is not necessary for data to be shared with other countries. The exception to this will be international trips that the School organises, should this be envisaged for your child, you will be contacted for your consent; the consent will be limited in time and content if it be required.

The retention period for student data will be until the student reaches the age of 25, subject to where relevant any safeguarding considerations in which case any material which may be relevant to potential claims will be kept for the lifetime of the student.

You have the right to withdraw your consent to data processing at any time however this will only apply to certain groups of data for which you have given particular consent.

You can complain at any time about how the School has handled your data by using the School’s Complaints Procedure which can be found on the School’s website.

We will obtain the data the School requires from you, should we need data from other sources we will contact you within a month.

We see the provision of personal data as necessary to properly admit your child to the School and to administer, and for the School to fulfil its obligations under the contract once your child is a student here.

There is no automated decision making or profiling involved in this data stream into and through the School.

Appendix 2

Privacy Notice – children at the School over the age of 13.

This appendix should be read in conjunction with the introductory paragraphs in section 1 of this privacy notice

This privacy notice will be provided to you at the time your data is being obtained, if it is being obtained directly. This means you get this when the School gets your data from your parents, or within a month.

Data will be processed for the purposes of allowing you to make the best of your time at St Andrew's School, Turi. The School will therefore have what is called a "legitimate interest" for processing basic personal data and sensitive personal data. The data the School holds will be the minimum it requires to allow you to thrive in your years here.

The School will share your data with the following service providers who have contracts with the School. To the extent that it is practicable the School has confirmed that these service providers have suitable systems in place for safeguarding and handling of data.

- Photographer
- Health care service provider
- IT software provider

It is not necessary for data to be shared with other countries. The exception to this will be international trips that the School organises. Should this be envisaged for you, you will be contacted for your consent; the consent will be limited in time and content if it is required.

The retention period for student data will be until you reach the age of 25.

You have the right to withdraw your consent to data processing at any time however this will only apply to certain groups of data for which you have given particular consent.

You can complain at any time about how the School has handled your data, you should use the School's Complaints Procedure which can be found on the School's website

We will obtain the data the School requires from you, should we need data from other sources we will contact you.

We see the provision of personal data as necessary to properly manage your time at St Andrew's and for the School to fulfil its obligations to you.

There is no automated decision making or profiling involved handling this data.

Appendix 3

Privacy Notice – Governors of the School.

This appendix should be read in conjunction with the introductory paragraphs in section 1 of this privacy notice

This privacy notice will be provided to you at the time your data is being obtained, if it is being obtained directly.

Data will be processed for the purposes of responding to requests for information about joining the Board of the School and the School will therefore have a “legitimate interest” for processing basic personal data and, if necessary, sensitive personal data. The data the School holds will be the minimum it requires.

The School will share your data with the following service providers who have contracts with the School. To the extent that it is practicable the School has confirmed that these service providers have suitable systems in place for safeguarding and handling of data.

- IT software provider

It is not necessary for data to be shared with other countries. The exception to this will be international trips that the School organises. Should this be envisaged for you, you will be contacted for your consent; the consent will be limited in time and content if it is required.

The retention period for data on governors to be held will be 7 years from the date on which you cease to be a Governor of the School.

You have the right to withdraw your consent to data processing at any time however this will only apply to certain groups of data for which you have given particular consent.

You can complain at any time about how the School has handled your data by using the School’s Complaints Procedure which can be found on the School’s website.

We will obtain the data the School requires from you, should we need data from other sources we will contact you first.

We see the provision of personal data as necessary to safeguard you and the School as it will allow the necessary checks to be made.

There is no automated decision making or profiling involved in this data stream into and through the School.

Appendix 4

Privacy Notice – Alumni

This appendix should be read in conjunction with the introductory paragraphs in section 1 of this privacy notice

Routine contact with alumni will be by email.

This privacy notice will be provided to you at the time your data is being obtained, if it is being obtained directly.

Should you give consent data will be processed for the purposes of maintaining an accurate record of those who were educated, worked or were otherwise connected to St Andrew's School, Turi. The School will process only the minimum personal data to achieve this purpose.

The School may share your data with organisations set up to establish and maintain relationships with the School community such as the Parents' Association, the Old Turians Association and the St Andrew's School, Turi UK Trust.

It is not necessary for data to be shared with other countries.

The retention period for alumni data will be unlimited as long as the School believes it has a relationship to serve with the alumnus.

You have the right to withdraw your consent to data processing at any time however this will only apply to certain groups of data for which you have given particular consent.

You can complain at any time about how the School has handled your data by using the School's Complaints Procedure which can be found on the School's website.

We will obtain the data the School requires from you, should we need data from other sources we will contact you first.

Appendix 5

Privacy Notice –Employees of the School, or applying to join the School

This appendix should be read in conjunction with the introductory paragraphs in section 1 of this privacy notice and for employees of the School in conjunction with the Staff Privacy Notice.

This privacy notice will be provided to you at the time your data is being obtained, if it is being obtained directly.

Data will be processed for the purposes of responding to requests for information about joining the School and the School will therefore have a “legitimate interest” for processing basic personal data and sensitive personal data. The data the School holds will be the minimum it requires to form and maintain the contract between you and the School.

The School will share your data with the following service providers who have contracts with the School. To the extent that it is practicable the School has confirmed that these service providers have suitable systems in place for safeguarding and handling of data.

- Health care service provider
- IT software provider
- DBS Clearance provider

It is not necessary for data to be shared with other countries. The exception to this will be international trips that the School organises. Should this be envisaged for you, you will be contacted for your consent; the consent will be limited in time and content if it be required.

The normal retention period for employee data will be seven years from the end of your contract of employment this may be extended if there are grounds for believing that any information may be relevant to historic safeguarding claims.

You have the right to withdraw your consent to data processing at any time however this will only apply to certain groups of data for which you have given particular consent.

You can complain at any time about how the School has handled your data by using the School’s Grievance Procedure which can be found on the School’s policy drive.

We will obtain the data the School requires from you, should we need data from other sources we will contact you within a month.

We see the provision of personal data as necessary to properly employ you at the School and to administer, and for the School to fulfil its obligations under the contract once you are an employee here.

There is no automated decision making or profiling involved in this data stream into and through the School.