



The Duke of York's
Royal Military School

Data Protection Policy (Incl. Document Retention)

Date of Approval

10 May 2024

Approved By

Col Andy Thorne

Role

Chairman of Trustees

Signed

Last Reviewed	May 2024
Next Review	May 2025

POLICY STATEMENT

“It is in everyone's interests to get data protection right and to think carefully about data protection issues: this means handling all personal information with which you come into contact fairly, lawfully, securely, and responsibly.

A good rule of thumb here is to ask yourself questions such as:

- Would I be happy if my own personal information were being used (for example, shared with a third party) in the way I am proposing? Would I expect it?
- Would I wish to stand by how I have recorded this information in an email or official record if the person concerned was able to see it?
- What would be the consequences of my losing or misdirecting this personal data?

Data protection law is therefore best seen not as oppressive red tape, or a reason not to do something necessary or important, but a code of useful and sensible checks and balances to improve how to handle and record personal information and manage our relationships with people. This is an important part of the School's culture, and all its staff and representatives need to be mindful of it.”

1. Background

Data protection is an important legal compliance issue for The Duke of York's Royal Military School (DOYRMS). During the course of the School's activities it collects, stores and processes personal data (sometimes sensitive in nature) about staff, pupils, their parents, its contractors and other third parties (in a manner more fully detailed in the School's Privacy Notice (see Appendix B). The School, as “data controller”, is liable for the actions of its staff and trustees in how they handle data. It is therefore an area where all staff have a part to play in ensuring we comply with and are mindful of our legal obligations, whether that personal data handling is sensitive or routine.

UK data protection law consists primarily of the UK version of the General Data Protection Regulation (the GDPR) and the Data Protection Act 2018 (DPA 2018). The DPA 2018 includes specific provisions of relevance to boarding schools: in particular, in the context of our safeguarding obligations, and regarding the right of access to personal data.

Data protection law has in recent years strengthened the rights of individuals and placed tougher compliance obligations on organisations including schools that handle personal information. The Information Commissioner's Office (ICO) is responsible for enforcing data protection law and will typically look into individuals' complaints routinely and without cost, and has various powers to take action for breaches of the law.

2. Definitions

Key data protection terms used in this data protection policy are:

- **Data controller** – a person or body that determines the purpose and means of the processing of personal data, and who is legally responsible for how it is used. For example, the School (including by its trustees) is a controller. An independent contractor who makes their own such decisions is also, separately, likely to be a data controller.
- **Data processor** – an organisation that processes personal data on behalf of a data controller, for example a payroll or IT provider or other supplier of services with whom personal data may be shared but who is not authorised to make any decisions about how it is used.

- **Personal data breach** – a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.
- **Personal information (or ‘personal data’)**: any information relating to a living individual (a data subject) by which that individual may be identified by the controller. That is not simply a name but any form of identifier, digital or contextual, including unique ID numbers, initials, job titles or nicknames. Note that personal information will be created almost constantly in the ordinary course of work duties (such as in emails, notes of calls, and minutes of meetings). The definition includes expressions of opinion about the individual or any indication of the School’s, or any person’s, intentions towards that individual.
- **Processing** – virtually anything done with personal information, including obtaining or collecting it, structuring it, analysing it, storing it, sharing it internally or with third parties (including making it available to be viewed electronically or otherwise), altering it or deleting it.
- **Special categories of personal data** – data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health and medical conditions, sex life or sexual orientation, genetic or biometric data used to identify an individual. There are also separate rules for the processing of personal data relating to criminal convictions and offences.

3. Application of this policy

This policy sets out the School’s expectations and procedures with respect to processing any personal data we collect from data subjects (including parents, pupils, employees, contractors and third parties).

Those who handle personal data as employees or trustees of the School are obliged to comply with this policy when doing so. For employees, breaches of this policy may result in disciplinary action. Accidental breaches of the law or this policy in handling personal data will happen from time to time, for example by human error, and will not always be treated as a disciplinary issue. However, failure to report breaches that pose significant risks to the School or individuals will be considered a serious matter.

In addition, this policy represents the standard of compliance expected of those who handle the School’s personal data as contractors, whether they are acting as “data processors” on the School’s behalf (in which case they will be subject to binding contractual terms) or as data controllers responsible for handling such personal data in their own right.

Where the School shares personal data with third party data controllers – which may range from other schools, to parents, to appropriate authorities, to casual workers and volunteers – each party will need a lawful basis to process that personal data and will be expected to do so lawfully and with due regard to security and confidentiality, as set out in this policy. If you are a volunteer [or contractor], you will be a data controller in your own right, but the same legal regime and best practice standards set out in this policy will apply to you by law.

4. Person responsible for Data Protection at the School

The School has appointed the Vice Principal (Policy and Compliance) as the Data Protection Officer who will endeavour to ensure that all personal data is processed in compliance with this Policy and the principles of applicable data protection legislation. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the Data Protection Officer, contact email address: admin@doyrms.com.

5. The Principles

The GDPR sets out six principles relating to the processing of personal data which must be adhered to by data controllers (and data processors). These require that personal data must be:

1. Processed **lawfully, fairly** and in a **transparent** manner.
2. Collected for **specific and explicit purposes** and only for the purposes it was collected for.
3. **Relevant** and **limited** to what is necessary for the purposes it is processed.
4. **Accurate** and kept **up to date**.
5. **Kept for no longer than is necessary** for the purposes for which it is processed; and
6. Processed in a manner that ensures **appropriate security** of the personal data.

The GDPR's broader 'accountability' principle also requires that the School not only processes personal data in a fair and legal manner but that we are also able to *demonstrate* that our processing is lawful. This involves, among other things:

- keeping records of our data processing activities, including by way of logs and policies.
- documenting significant decisions and assessments about how we use personal data (including via formal risk assessment documents called Data Protection Impact Assessments); and
- generally having an 'audit trail' vis-à-vis data protection and privacy matters, including for example when and how our Privacy Notice(s) were updated; when staff training was undertaken; how and when any data protection consents were collected from individuals; how personal data breaches were dealt with, whether reported (and to whom), etc.

6. Lawful grounds for data processing

Under the GDPR there are several different lawful grounds for processing personal data. One of these is consent. However, given the relatively high bar of what constitutes consent under GDPR (and the fact that it can be withdrawn by the data subject) it is considered preferable for the School to rely on another lawful ground where possible.

One of these alternative grounds is 'legitimate interests', which is the most flexible basis for processing. However, it does require transparency and a balancing assessment between the rights of the individual and the interests of the School. It can be challenged by data subjects and also means the School is taking on extra responsibility for considering and protecting people's rights and interests. The School's legitimate interests are set out in its Privacy Notice, as GDPR requires.

Other lawful grounds include:

- compliance with a legal obligation, including in connection with employment, engagement of services and diversity.
- contractual necessity, e.g., to perform a contract with staff or parents, or the engagement of contractors.
- a narrower set of grounds for processing special categories of personal data (such as health information), which includes explicit consent, emergencies, and specific public interest grounds.

7. Headline responsibilities of all staff

Record-keeping

It is important that personal data held by the School is accurate, fair and adequate. Staff are required to inform the School if they believe that *any* personal data is inaccurate or untrue or if you are dissatisfied with how it is recorded. This applies to how staff record their own data, and the personal data of others – in particular colleagues, students, and their parents – in a way that is professional and appropriate.

Staff should be aware of the rights set out below, whereby any individuals about whom they record information on School business (notably in emails and notes) digitally or in hard copy files may have the right to see that information. This absolutely must not discourage staff from recording necessary and sometimes difficult records of incidents or conversations involving colleagues or pupils, in accordance with the School's other policies, and grounds may sometimes exist to withhold these from such requests. However, the starting position for staff is to **record every document or email in a form they would be prepared to stand by should the person about whom it was recorded ask to see it.**

Data handling

All staff have a responsibility to handle the personal data which they encounter fairly, lawfully, responsibly and securely and in accordance with the Staff Handbook and all relevant School policies and procedures (to the extent applicable to them). In particular, there are data protection implications across a number of areas of the School's wider responsibilities such as safeguarding and IT security.

Responsible processing also extends to the creation and generation of new personal data / records, as above, which should always be done fairly, lawfully, responsibly, and securely.

Avoiding, mitigating, and reporting data breaches

One of the key obligations contained in the GDPR is on reporting personal data breaches. Data controllers must report certain types of personal data breach (those which risk an impact to individuals) to the ICO within 72 hours.

In addition, data controllers must notify individuals affected if the breach is likely to result in a "high risk" to their rights and freedoms. In any event, the School must keep a record of any personal data breaches, regardless of whether we need to notify the ICO. If staff become aware of a personal data breach, they must notify the Data Protection Officer. If staff are in any doubt as to whether to report something internally, it is always best to do so. A personal data breach may be serious, or it may be minor; and it may involve fault or not; but the School always needs to know about them to make a decision.

As stated above, the School may not need to treat the incident itself as a disciplinary matter – but a failure to report could result in significant exposure for the School, and for those affected, and could be a serious disciplinary matter whether under this policy or the applicable staff member's contract.

Care and data security

More generally, we require all School staff (and expect all our contractors) to remain mindful of the data protection principles (see section 3 above), and to use their best efforts to comply with those principles whenever they process personal information. Data security is not simply an online or digital issue but one that effects daily processes: filing and sending correspondence, notably hard copy documents. Data handlers should always consider what they most assured and secure means of delivery is, and what the consequences would be of loss or unauthorised access.

We expect all those with management / leadership responsibilities to be particular champions of these principles and to oversee the swift reporting of any concerns about how personal information is used by the School to the Data Protection Officer, and to identify the need for (and implement) regular staff training. Staff must attend any training we require them to.

8. Rights of Individuals

In addition to the School's responsibilities when processing personal data, individuals have certain specific rights, perhaps most significantly that of access to their personal data held by a data controller (i.e. the School). This is known as the 'subject access right' (or the right to make 'subject access requests'). Such a request must be dealt with promptly and does not need any formality, nor to refer to the correct legislation. If you become aware of a subject access request (or indeed any communication from an individual about their personal data), you must tell the Data Protection Officer as soon as possible.

Individuals also have legal rights to:

- require us to correct the personal data we hold about them if it is inaccurate.
- request that we erase their personal data (in certain circumstances).
- request that we restrict our data processing activities (in certain circumstances).
- receive from us the personal data we hold about them for the purpose of transmitting it in a commonly used format to another data controller; and
- object, on grounds relating to their particular situation, to any of our particular processing activities where the individual feels this has a disproportionate impact on them.

None of the above rights for individuals are unqualified and exceptions may well apply. However, certain rights are absolute and must be respected, specifically the right to:

- object to automated individual decision-making, including profiling (i.e., where a significant decision is made about the individual without human intervention);
- object to direct marketing; and
- withdraw one's consent where we are relying on it for processing their personal data (without affecting the lawfulness of processing carried out prior to that point in reliance on consent, or of any processing carried out on some other legal basis other than consent).

In any event, however, if you receive a request from an individual who is purporting to exercise one or more of their data protection rights, you must tell the Data Protection Officer as soon as possible.

9. Data Security: online and digital

The School must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. Reference to be made to the School's Acceptable IT Use policy.

10. Processing of Financial / Credit Card Data

The School complies with the requirements of the PCI Data Security Standard (PCI DSS). Staff who are required to process credit card data must ensure that they are aware of and comply with the most up to date PCI DSS requirements. If you are unsure in this regard, please seek further guidance from the Bursar. Other categories of financial information, including bank details and

salary, or information commonly used in identity theft (such as national insurance numbers or passport details) may not be treated as legally sensitive but can have material impact on individuals and should be handled accordingly.

Retention of Personnel Data

Type of Record/Document	Retention Period
Admissions registers	Entry + 6 years
Attendance registers	Date of register + 3 years
Public examination results	Year of examinations + 6 years
Internal examination results	Current year + 5 years
Student's work	Current year + 1 year
Timetable	Current year + 1 year
Staff timesheets, sick pay	Current year + 6 years
Staff personnel files	Termination + 7 years
Unsuccessful job applications, interview notes etc.	Minimum 3 months but no more than 1 year
Staff immigration records	Termination + 2 years
Staff safeguarding records	Indefinitely
Contracts of employment	Termination + 7 years
Accessibility plans	Current year + 6 years

Incident reports	Current year + 4 years
Risk assessments	Relevant project completion + 7 years
School prospectus	Current year + 3 years
Annual accounts	Current year + 6 years
Student files	Date of birth + 25 years
Child protection files	If a referral has been made/social care have been involved/child has been subject of a multi-agency plan; or if any risk of future claim(s), 75 years.
Contracts and agreements	Completion of term of agreement + 7 years
Trustee meeting minutes	6 years from date of meeting

Annex A – Confidentiality and Information Sharing Policy

Introduction

Sharing information is vital in safeguarding students and promoting their continuing health and welfare. It enables the student to receive the most appropriate care at the right time. The safety, well-being and protection of our students are the paramount considerations in all decisions staff at this School make about confidentiality. The appropriate sharing of information between School staff is an essential element in ensuring our students' well-being and safety.

All students at The Duke of York's Royal Military School are registered at St. James' Surgery, Dover. The Nurses working at the Medical Centre are employed by the School but practice within their professional responsibilities.

All staff working in the Medical Centre are subject to the Common Law Duty of Confidentiality and must abide by this. Nursing and medical staff adhere to professional Codes of Conduct which make them accountable to children and young people to offer confidential health advice and treatment.

Children and young people are entitled to the same duty of confidentiality as adults provided, they have the ability to understand the choices and consequences. Confidentiality is one of the key issues that young people report influences their use of health care services.

Everyone in the School community needs to know that no-one can offer absolute confidentiality if this is not in the child's best interest.

Everyone in the School community needs to know the limits of confidentiality that can be offered by individuals within the School community so they can make informed decisions about the most appropriate person to talk to about any health, sex and relationship or other personal issue they want to discuss.

"Whilst the law rightly seeks to preserve individual's privacy and confidentiality, it should not be used (and was never intended) as a barrier to appropriate information sharing between professionals. The safety and welfare of children is of paramount importance, and agencies may lawfully share confidential information about the child or the parent, without consent, if doing so is in the public interest. A public interest can arise in a wide range of circumstances, including the protection of a child from harm, and the promotion of child welfare. Even where the sharing of confidential medical information is considered inappropriate, it may be proportionate for a clinician to share the fact that they have concerns about a child".

Protection of Children in England: a Progress Report The Lord Laming 2009

Where the School has reasonable cause to suspect that a child or young person may be suffering significant harm or may be at risk of suffering significant harm, we would discuss this and refer to Children's Social Services.

This policy should be read in association with the School's Safeguarding and Child Protection Policy, Medical Care Policy and Data Protection Policy.

Policy Statement

All staff have a duty to understand and meet their legal responsibilities towards those they are caring for in accordance with The Children Act 1989. Students have a right to expect that information about them will be appropriately held in confidence by staff. In issues relating to child protection, staff have a duty to share information without consent, although the student should be informed and the reasons for the breaking of confidentiality addressed.

This policy outlines the procedures and principles for sharing information and confidentiality to meet the individual's needs for care, in accordance with government expectations and legislative requirements.

Scope

This policy applies to all staff members that have a duty of care for the students at The Duke of York's Royal Military School.

This policy is applicable to all students at The Duke of York's Royal Military School.

This policy is relevant to all parents of students at The Duke of York's Royal Military School.

Aim

The aim of this policy is to clarify the responsibilities of health care practitioners, School staff and parents in sharing information:

- To ensure the medical and nursing staff maintain access to information about a student when he/she has been referred to another professional until they are satisfied that appropriate action has been taken.
- To protect the rights of young people, in statute and common law, to make their own decisions about procedures and treatment.
- To protect the rights of healthcare professionals by ensuring they act within the law when disclosing or not disclosing information in all circumstances.
- To identify when a child has particular needs and to seek advice about those needs, in order to promote the child's well-being and welfare.
- To identify when a student might be at risk of harm and therefore in need of protection, and to ensure appropriate action is taken promptly to safeguard the child.

Definitions

For the purpose of this policy:

Information sharing refers to the exchange of information about an episode of treatment, an investigation, or an interaction that a student has undergone or will undergo associated with his/her physical, mental and/or emotional welfare. This interaction will take place between a health care professional, a tutor, the DSL, a Housemaster/mistress, other relevant School staff or another health care agency.

Confidential is “something which is spoken or given in confidence; private, entrusted with another’s secret affairs”.

The School’s attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the School.

Consent

The permission of students needs to be sought, where appropriate, before sharing information with others, unless seeking this will place the child at risk of harm. This means that staff within The Duke of York’s Royal Military School will act in the best interest of the child and disclose information without the informed consent of the student concerned, where there are statutory grounds and an overriding justification for doing so. If information is disclosed without consent, then details will be recorded about this.

Disclosure of Information Without Consent

Keeping children safe from harm depends on professionals and others sharing information. There may be a conflict between the need to share information and the normal duty of confidentiality. The common law permits the disclosure of confidential information necessary to safeguard a child in the public interest: that is, the public interest in child protection may override a person’s right to confidentiality.

The European Convention on Human Rights states that disclosures of information must be justifiable in each case. The Data Protection Act allows for disclosure without consent for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders. Disclosure of information without consent should be appropriate for the purpose and only to the extent necessary to achieve that purpose.

Information Sharing Procedures

The School will follow Government guidance on information sharing. When information is shared it will be proportionate and necessary for the purpose for which it is being shared, is shared only with those people who need to have it, is accurate and up to date, is shared in a timely way and is shared securely.

In practice there are few situations where absolute confidentiality is offered at The Duke of York’s Royal Military School. We aim to strike a balance between ensuring the safety, well-being and protection of our students and staff, ensuring there is an ethos of trust where students and staff can ask for help when they need it and ensuring that when it is essential to share personal information, child protection issues and good practice are followed.

Staff should make clear that there are limits to confidentiality, at the beginning of the conversation. Professional judgement needs to be exercised to decide whether it is in the best interest of the child to share the information to safeguard them and promote their best interest. There is a School safeguarding team that staff can take advice from if there is doubt regarding disclosure of confidential information and Government guidance. The student will be informed when a confidence must be broken for this reason and will be encouraged to do this for themselves whenever this is possible. This means that in most cases what is on offer is limited confidentiality.

Disclosure of the content of a conversation may be discussed with professional colleagues to ensure the child’s best interests or safeguard them, including disclosures to a counsellor, School

nurse or health professional operating a confidential service in the School. Registered nurses at The Duke of York's Royal Military School will work within their Code of Professional Conduct.

Parents, Housemasters/mistresses, Pastoral Leaders, and other School staff will share relevant information about the student with the School nurses, to ensure safety and continuity of care.

Students living in a boarding school cannot receive the same degree of autonomy relating to confidentiality, in matters relating to their health, as they would in a Primary Care setting. This is from the recognition that those providing their day-to-day care have a responsibility to the institution that is the School in ensuring not only the student's safety but also the safety of others.

The three main areas are:

- **Medication** - Refer to the Medical Care and Administration of Medication Policies.
- **Where Students Are** - The Duke of York's Royal Military School needs to account for where students are at all times. A student's attendance at the Medical Centre will be confirmed if requested, although the reason will not, except with the student's knowledge and consent.

If a student requires medical attention due to being under the influence of alcohol or illegal drugs their Housemaster/mistress and SLT will be informed. The student's Housemaster/mistress will contact parents about the occurrence. This is a Safeguarding issue.

- **Off Games and other Activities** - Students cannot have confidentiality about decisions that they should not participate in games or other activities. This information is shared to ensure students are not selected for teams or inappropriate activities when they are identified as being medically unfit. This protects the student and the School.

Providing an Integrated Support Service

Local authorities are required to provide integrated working between agencies through locality teams to promote positive outcomes for children.



The Duke of York's
Royal Military School

CONFIDENTIALITY AGREEMENT

In the eyes of the NHS a child can be competent to give their own consent for treatment from as young as 12 years old. Many children at the School will have the levels of maturity to make these decisions as they progress through the School and develop into young men and women. Many children at 12 years old do not understand the value of information or how their information may or may not be shared. We ask for students and parents to read this agreement and sign to say that they are in agreement with the confidentiality terms.

Once a child is 16, they are seen as an adult in the eyes of the NHS and their medical information cannot be shared with parents unless express permission of the young person is given or unless it is in the young person's best interests to share information with the parents.

Both the Surgery Staff and School Nurses have professional obligations with regards to confidentiality. The School, the Medical Centre, and St. James' Surgery work closely together to ensure that student information is kept secure and that confidentiality rules are followed.

There may be occasions where for the best interest of the student, other students or staff, confidential information will need to be shared with the School or other agencies. This information may be shared with parents/guardians, Housemasters/mistresses, safeguarding staff, Social Services, and other medical services (such as counsellors). If this is the case the student will be informed where possible.

There are situations where the School and medical team have a statutory duty to report information disclosed to them, this information may be shared when a child is at risk or if the information needs to be shared in their best interests.

Information will be shared with parents freely, with consent of the student. Students will be encouraged to inform their parents of interactions with the medical service.

I have read and understood the confidentiality agreement:

Parent/Guardian Legal Name: _____

Parent Signature: _____

Date: _____

Legal Name of Student: _____

Preferred Name ((if different): _____

Student Signature: _____

Date: _____

Medical Services Agreement

Between

Duke of York's Royal Military School

Dover

Kent

CT15 5EQ

And

St James Surgery

2 Harold Street

Dover

Kent

CT16 1SF

Purpose:

The purpose of this document is to outline the medical service provided by St James Surgery to The Duke of York's Royal Military School (DOYRMS).

Position:

The school is an Academy and the pupils that attend board onsite. St James Surgery currently provides medical services for the school. Pupils are mainly seen at the Medical Centre, should the need arise there is provision for pupils to be seen at the practice in Harold Street also. The school has a well-equipped medical centre, which the clinical team from the Surgery attends to provide clinics/surgeries on a daily basis (term time). The clinics are attended by a member of the Nursing Team employed by the DOYRMS. The previous practice manager set up a secure IT connection to the school allowing the schools clinical team access to the pupil's medical records. The School clinical team are bound by confidentiality guidelines and have their own contracts with the surgery, outlining the guidelines and necessary practice protocols. The Practice has summarised the pupil's medical records, the records are stored at the School's medical centre. The School's Clinical team have secure NHS.net email addresses. The Surgery has a good working relationship with the school, and the clinicians are happy that the needs of the patients are being met.



ST JAMES' SURGERY: OUR PATIENTS, OUR PRIORITY

Possibilities:

In addition to the current agreement the practice can offer:

- Access to training courses through learning pool for the clinical team.
- Access to safeguarding and data management support through the practice manager
- Access to an interpreting service for pupils
- Provide IT support through the IT commissioning support unit, as well as dealing with queries and offering support in house.
- Provide a nurse to carryout annual reviews for pupil's onsite.
- Provide Immunisations for 'at risk' group's (specified by NHS England) onsite.
- Provide policy review for the medical centre.
- Provide a patient focus group for the pupils to be able to discuss the service, and how the pupils wish to use it.
- Pharmacist can authorise OTC medications to meet the criteria of school policy.
- Representatives from the School are welcome to attend multidisciplinary team meetings held at the surgery on a monthly basis.
- The practice manager will attend regular safeguarding meetings at the school.
- A Physio Service – The surgery is in talks with an AQP Physio provider.
- Medicines Management Support including audits and management of medication advice.

St James Surgery will continue to provide the clinics at the medical centre in (appendix a) providing there is demand for it. The practice will also increase clinics or length of clinics if demand for appointments rises.



ST JAMES' SURGERY: OUR PATIENTS, OUR PRIORITY

If the school agrees to the services (listed above) which can be provided to the school the surgery will also meet these obligations.

Proposal:

Personnel

The Practice Senior Partner is Dr Reinecke

The lead clinician for the school will be Dr Katie House

The lead contact and liaison for the surgery will be the Practice Manager Catherine Hanson.

Access:

St James Surgery will continue to provide the clinics at the medical centre (see appendix a) providing there is demand for it. The practice will also increase clinics or length of clinics if demand for appointments rises. Please note although the surgery tries to send the same clinicians to the medical centre for clinics/surgeries this is not always possible due to annual leave and periods of sickness. If the surgery is unable to send a GP for a clinic/surgery at the school an alternative clinic will be proposed and appointments for pupils will be provided at the surgery.

Where possible we will provide a session a week (minimum) with a female GP (providing the practice has a female GP in employment and not on Leave).

St James' Surgery runs a 'book on the day' duty doctor service with morning and afternoon surgeries. Outside of School surgery times and where there is an urgent medical need pupils can be seen at the surgery or if clinically appropriate a doctor could attend the School as a 'home visit'

The Surgery has specialist equipment and should a patient need access to a specialist nurse or service the surgery can provide the patient would need to attend an appointment at St James Surgery.



ST JAMES' SURGERY: OUR PATIENTS, OUR PRIORITY

The School Nurses will be able to liaise with the surgery from 08:00 to 18:30 Monday to Friday (excluding Bank and Public holidays) on the care of pupils presenting outside the school surgeries.

Outside of the hours 8:00 to 18:30, Monday to Friday (excluding Bank and Public Holidays) medical services would be provided via the NHS 111 facility or if required by calling 999.

The Doctor would not be able to see any pupil who is unable to give informed consent without the presence of a School nurse. It would be good practice for all pupils to be seen with a chaperone unless the pupil meets the Gillik guidelines and/or is Fraser competent and requests to be seen alone.

The surgery can provide an interpreter service for pupils.

Medication:

Where pupils are on regular medication they can request a repeat prescription via the School nurses who can generate the FP10 (prescription document) and the Doctor attending will sign at the next School surgery.

Registration:

All pupils will register at St James Surgery as a permanent patient. They will complete a 'new patient questionnaire' and NHS registration form. The NHS registration form must be completed in entirety as this form and information is vital for accessing previous medical records or registering with the NHS for the first time. Incomplete forms will be rejected by the surgery.

All pupils who require to see a Doctor on during their school holidays will need to register as a Temporary Resident in their home town GP surgery. This will prevent their paper medical records being transported to their home town surgeries and back to the school again.



ST JAMES' SURGERY: OUR PATIENTS, OUR PRIORITY

Training:

The surgery will provide training for the DOYRMS Clinical team through Learning Pool.

Specialist services:

The Surgery will provide a Specialist Nurse to attend the School (where possible and if appropriate) to carry out annual reviews e.g. Asthma.

The surgery will support all national vaccination campaigns and schedules, and provide travel vaccinations both under NHS and private arrangements (with the exception of yellow fever).

The Surgery will provide Annual Flu Immunisations onsite for all pupils in an 'at risk' group (specified by NHS England).

Should patients need to see a specialist, they will be referred accordingly by the GP they have seen.

Patient Confidentiality:

The patients will be between 11 and 18 years old, and away from their parents and at an age where they may or may not fit the Gillick competencies or be Fraser competent. A Nurse at the school will assess the pupil and advise the GP on the level of competency. The GP will have the final say if the patient is able to be seen unaccompanied.

Any clinician (doctors or nurses) are not to discuss the health care of individual pupils with a third party without the pupil's consent. Exceptions can be made where there is an immediate threat to the pupil, for example being unconscious in A&E and medical details being sought, or where there is a child protection issue.

The clinical team hold honorary contracts with the surgery and are bound by this to abide with practice confidentiality protocols.



ST JAMES' SURGERY: OUR PATIENTS, OUR PRIORITY

School nursing staff are only authorised to access clinical records of pupils registered at the School. Access to any other patient record, or release of confidential medical information without consent, would be considered a serious breach of patient confidentiality and likely to result in dismissal.

Medical Records:

The Surgery will hold the pupils' medical records electronically on the Vision computer system in the same format as all the other patients registered at the Surgery.

The School will hold and securely store the Lloyd George (paper notes) for the pupils onsite at the medical centre.

All 'new starter's' medical records will be summarised by the surgery, in the same format as all the other patient notes are summarised. Once completed the Lloyd George (paper notes) will be returned to the school for storing.

- All encounters/appointments with pupils will be entered into the Vision computer system by the clinician accessing the patient.

Security:

The GP's and surgery staff are happy to comply with the school's security protocols.

The school will issue all attending clinicians and relevant surgery admin staff with car passes.

Liaison:

The surgery will provide a patient feedback forum for service users aged between 11 and 18 years. The pupils will meet with surgery representatives on a termly basis.



ST JAMES' SURGERY: OUR PATIENTS, OUR PRIORITY

The Practice manager will attend the medical centre on a termly basis to discuss the service and any issues at the medical centre.

School Nurses are welcome to attend multidisciplinary team meetings held at the surgery on a monthly basis.

The lead GP can provide medical policy reviews for the medical centre to ensure that the medical centre is compliant with current legislation.

The Practice will produce an annual report on medical services for the school governors'.

IT:

The surgery provides IT support to the school through the IT commissioning support unit, as well as dealing with queries and offering support in house.

The school owns the IT hardware and needs to ensure that the equipment is in good working order.

Finance:

St James' Surgery will undertake the duties contained in this document at the rate of £ 19.14 per pupil per term. Payment will be made to St James Surgery one calendar month after the start of the term for the number of pupils on the school register at the beginning of the term.

The amount stated per pupil above, to be subject to the same percentage increase each academic year to the increase made in the fees to attend the School.

Terms:

The Agreement will run for a period of 3 years commencing on the date it is signed by both parties.

The Agreement may be terminated by either party giving three months' notice in writing.



ST JAMES' SURGERY: OUR PATIENTS, OUR PRIORITY

Annex B

PRIVACY NOTICE

WHO WE ARE

DYRMS-An Academy with Military Traditions (The Duke of York's Royal Military School)

Company Number: 07209122

Registered Office: The Duke of York's Royal Military School, Dover, CT15 5EQ

WHAT THIS PRIVACY NOTICE IS FOR

This policy 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 students; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided because UK Data Protection Law gives individuals rights to understand how their data is used. Staff, parents, and students are all encouraged to read this Privacy Notice and understand the school's obligations to its entire community.

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 students.
- the school's policy on taking, storing, and using images of children.
- the school's CCTV and biometrics policy.
- the school's retention of records policy.
- the school's safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- the school's IT policies, including its Acceptable Use policy.

Anyone who works for, or acts on behalf of, the school (including staff, volunteers, Trustees, and service providers) should also be aware of and comply with this Privacy Notice, which also provides further information about how personal data about those individuals will be used.

RESPONSIBILITY FOR DATA PROTECTION

The School has appointed the Vice Principal (Policy and Compliance) as Data Protection Officer ("DPO") who will fulfil his role as required by UK Data Protection Law.

WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

To carry out its ordinary duties to staff, students and parents, the school needs to process a wide range of personal data about individuals (including current, past and prospective staff, students or parents) as part of its daily operation.

Some of this activity the school will need to carry out to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its students.

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 will fall within that category of its (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 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, 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 at 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 IT: acceptable use 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 policy on taking, storing and using images of children.
- For security purposes, including CCTV in accordance with the school's CCTV policy.
- 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 will on occasion 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 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 or other relevant information 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 Covid-19 (or similar) testing: including managing on-site testing and/or processing the results of tests taken by students 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 student.
- To provide spiritual education in the context of any religious beliefs.
- In connection with employment of its staff, for example DBS checks, welfare, union membership or pension plans.
- To run any of its systems that operate on biometric data, such as for security and other forms of student 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 SEN, health or safeguarding elements; or
- 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.

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 their car on the school premises).
- 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 (see Appendix 1) and attendance records (including information about any special needs), and examination scripts and marks.
- personnel files, including in connection with academics, employment or safeguarding.

- where appropriate, information about individuals' health and welfare, and contact details for their next of kin.
- references given or received by the school about students, and relevant information provided by previous educational establishments and/or other professionals or organisations working with students.
- correspondence with and concerning staff, students, and parents past and present; and
- 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).

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 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.

WHO HAS ACCESS TO PERSONAL DATA AND WHO THE SCHOOL SHARES IT WITH

Occasionally, the school will need to share personal information relating to its community with third parties, such as:

- professional advisers (e.g., lawyers, insurers, PR advisers and accountants).
- government authorities (e.g., HMRC, DfE, police or the local authority).
- appropriate regulatory bodies (e.g., the Information Commissioner or Ofsted).
- suppliers of educational products and services (e.g. online resources requiring user accounts).
- suppliers of business systems (e.g. bankers, parent pay or debt recovery).

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). However, some functions are outsourced including auditing, IT. In accordance with UK 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.

ACCESS TO SENSITIVE DATA

Particularly strict rules of access apply in the context of:

- medical records held and accessed only by the school doctor and appropriate medical staff, or otherwise in accordance with express consent; and
- pastoral or safeguarding files.

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.

Staff, **students**, and parents are reminded that the school is under duties imposed by law and statutory guidance (including [Keeping Children Safe in Education](#)) 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 authorities such as the LADO or police. For further information about this, please view the school's Safeguarding Policy.

The school will use systems to monitor, process and report all concerns regardless of whether any threshold of seriousness is met.

Finally, in accordance with UK 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.

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 **student** 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 our retention policy is applied or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Data Protection Officer. However, please bear in mind that the school will often have lawful and necessary reasons to hold on to some personal 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, we will need to keep a record of the fact in order to fulfil your wishes (called a "suppression record").

KEEPING IN TOUCH AND SUPPORTING THE SCHOOL

The school and/or any relevant other organisation 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. Unless the relevant individual objects, the school will 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 Friends of the School, The Dukies' Foundation and The Dukies' Association.
- Contact parents and/or alumni (including via the organisations above) by post and email to promote and raise funds for the school and, where appropriate, other worthy causes.
- Collect information from publicly available sources about parents' and former students' occupation and activities, to maximise the school's fundraising potential and to provide opportunities to students.
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Data Protection Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the school is nonetheless likely 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

- Rights of access, etc.

Individuals have various rights under UK 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 have it transferred to others, 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 Data Protection Officer.

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 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 for information is manifestly excessive or similar to previous requests, the school may ask you to reconsider, or require a proportionate fee (but only where UK Data Protection Law allows it).

- Requests that cannot be fulfilled

You should be aware that UK GDPR rights (including the right of access) is 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 student examination scripts (or other information consisting solely of student 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 student personal data). The school is also not required to provide examination 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.

These exemptions necessarily apply also in the context of teacher-assessed grades, where required in the absence of formal public examinations due to pandemic conditions (please see our separate exam information policy which explains what information will be provided to all relevant students, and when, in respect of their grades).

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 legitimate interest identified in this Privacy Notice. All such requests will be considered on their own merits.

- Requests by or on behalf of students

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). A student 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 students, the law still considers the information in question to be the child's: for older students, 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.

Students aged 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. Slightly younger children may however 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 students without their consent. The school may consider there are lawful grounds for sharing with or without reference to that student.

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.

All information requests from, on behalf of, or concerning students – 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 to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Examples where we do rely on consent are e.g., biometrics, certain types of uses of images, certain types of fundraising activity. 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 UK 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 students – for example, under the parent contract, or via a form. Parents and students 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 student's age and understanding – to seek 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 all the circumstances.

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. That is 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 policies 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 notify the HR Officer of any significant changes to important information, such as contact details, held about them. An annual check of such information will be conducted at the start of each academic year.

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 UK Data Protection Law): please see above for details of why the school may need to process your data, of 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 trustees will be made aware of this policy and their duties under UK 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 Officer using the following contact details: reception@doyrms.com.

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

APPENDIX 1 – ADMISSIONS PRIVACY NOTICE – DATA PROTECTION ACT

We, The Duke of York's Royal Military School, are the Data Controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning.
- Monitor and report on your progress.
- Provide appropriate pastoral care, and
- Assess how well the School is doing.

This information includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, special educational needs, and any relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to.

We are required by law to pass some of your information to the Local Authority and the Department for Education (DfE). Once students are aged 13 or over, we are required to pass on certain information to the Youth Support Service. Youth Support Service is the government's support service for all young people aged 13 to 19 in England. We must provide both student and parents(s) name and address, and any further information relevant to the Youth Support Services' role. However, you (if you are over 16) or your parents can ask that no information beyond name and address be passed to Youth Support Service.

* I do consent to the Youth Support Services receiving information about my child

Please contact Joanne Harnett, Exam/Data Manager via email Joanne.Harnett@doyrms.com or on 01304 245084 if you wish to opt-out of this arrangement.

For more information about Youth Support Service please go to the LA website shown below.
Public Communications Unit Department for Education Sanctuary Buildings Great Smith Street
London SW1P 3BT

Website:www.education.gov.uk
email:info@education.gsi.gov.uk
Telephone:0870 000 2288