



Erskine Stewart Melville

1694

Privacy Notice for Staff, Students, Parents and Carers

Responsible: Chief Digital and Transformation Officer

Last Updated: June 2026

Date for Renewal: June 2029

Who we are

Erskine Stewart Melville (ESM) is part of Edinburgh Merchant Company Education Board, with the charity registration number SC009747. ESM is made up of Erskine Stewart Melville Nursery & Junior School and the Erskine Stewart Melville Senior School (the "Schools"). Since 1989, powers have been devolved to the Erskine Stewart Melville Schools' Governing Council, a sub-committee of Edinburgh Merchant Company Education Board. This Privacy Notice applies to staff and students of the Schools and parents and carers. ESM's main offices are located at Erskine Stewart Melville Nursery & Junior School, Ravelston, Edinburgh, EH4 3NT and it is at this address that you can contact our Data Protection Officer should you have any queries about how we use the data we gather.

About this Privacy Notice

At Erskine Stewart Melville your privacy is important and we will treat any personal information you provide in accordance with the Data Protection Act 2018, UK General Data Protection Regulation ("Data Protection Legislation"), and the Data (Use and Access) Act 2025.

This policy is intended to provide information about how the Schools will use (or "process") personal data about individuals including: their staff; their current, past and prospective students; and their students' parents, carers or guardians (referred to in this policy as "parents").

This information is provided, in accordance with the rights of individuals under Data Protection Legislation, to help you understand how your data is used. Staff, parents and students are encouraged to read this Privacy Notice and understand the Schools' obligations, as a "data controller", to their entire community.

This Privacy Notice applies alongside any other information the Schools may provide about the use of personal data, for example when collecting data via an online or paper form.

This Privacy Notice also applies in addition to the Schools' other relevant terms and conditions and policies, including:

- any contract between the Schools and their staff or the parents of students, including the Enrolment Document
- the CCTV policy
- the Child Protection policy
- the Data Protection policy for staff
- the Health and Safety policy
- the Security policy
- ICT policies, including the Acceptable Use (Computers) policies
- Confidentiality Policy.

Anyone who works for or acts on behalf of the Schools (including staff, volunteers, governors and service providers) should also be aware of, and comply with, this Privacy Notice and the Schools' Data Protection Policy for staff, which also provides further information about how personal data is used.

Contact Details

If you have any questions in relation to how we use your personal data or want to exercise any of your rights under the Data Protection Legislation you can contact our Data Protection Officer (DPO) by emailing dpo@esms.org.uk or by writing to Erskine Stewart Melville Nursery & Junior School, Ravelston, Edinburgh, EH4 3NT.

Why the Schools Needs to Process Personal Data

As part of their daily operations, and to carry out their ordinary duties to students, parents and staff, the Schools may process a wide range of personal data about individuals.

Some of this activity is carried out so that the Schools can fulfil their legal rights, duties or obligations – including those under a contract - with staff, students, or parents of their students.

Other uses of personal data will be made in accordance with the Schools' 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 Schools will process personal data for the following purposes:

- 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, 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 identities of prospective donors and their backgrounds 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 performance of the Schools 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 Schools
- To safeguard students' welfare and provide appropriate pastoral care
- To monitor (as appropriate) use of the Schools' IT and communications systems in accordance with the Acceptable Use (Computers) Policy
- To make use of photographic and video recorded images of students internally in school publications, and on the Schools' intranets in accordance with the policies on taking, storing and using images of children
- To make use of photographic and video recorded images of students externally, online and in print, for example in newspapers or magazines, on the Schools' website and official social media channels for marketing purposes or to celebrate the achievements of students and in accordance with the Schools' policies on taking, storing and using images of children and use of social media
- For security purposes, including CCTV in accordance with the Schools' CCTV policy
- Where otherwise reasonably necessary for the Schools' purposes, including to obtain appropriate professional advice and insurance for the Schools.

If you would like greater detail on how we process your data, please get in touch using the contact detail in this policy.

We process personal data only where we have a valid legal basis to do so, in accordance with applicable data protection laws such as the UK GDPR. These legal bases may include your consent, where you have given clear permission for us to process your data for specific purposes; the performance of a contract, where processing is necessary to provide our services; compliance with a legal obligation; or our legitimate interests, provided those

interests are not overridden by your rights and freedoms. Where we rely on consent, you have the right to withdraw it at any time.

Special Category Personal Data

In addition, the Schools may need to process special category personal data (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out Disclosure Scotland checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time with appropriate lawful basis and article 9 condition (Article 9 of the UK GDPR sets out the specific conditions under which special category personal data can be lawfully processed). 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 provide educational services in the context of any special educational needs of a student
- In connection with employment of their staff, for example Disclosure Scotland checks, welfare or pension plans
- 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
- For legal and regulatory purposes (for example child protection/safeguarding, diversity monitoring and health and safety) and to comply with their legal obligations and duties of care.

Types of Personal Data we collect

The types of personal data we collect will include (by way of example):

- names, addresses, telephone numbers, email addresses and other contact details
- car details (about those who use the car parking facilities)
- bank details and other financial information, e.g. about parents who pay fees to the Schools
- past, present and prospective students' academic, disciplinary, admissions and attendance records (including information about any special needs), wellbeing information, participation in extracurricular activities, and examination scripts and marks
- personnel files, including in connection with academics, employment or safeguarding

- where appropriate, information about individuals' health, allergies and contact details for their next of kin
- references given or received by the Schools about students and staff and information provided by previous educational establishments and/or other professionals or organisations working with individuals
- images of students (and occasionally other individuals including staff and parents) engaging in school activities, and images captured by the CCTV system (in accordance with the Schools' policies on the use of CCTV, taking, storing and using images of children and social media).

How the Schools Collect Data

Generally, the Schools receive 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); or collected from publicly available resources.

How the Schools store Personal Data

Appropriate technical and organisational measures are taken by the Schools to protect personal data against loss, misuse, unauthorised access, or disclosure. Personal data is stored securely on the Schools' systems and access is restricted to authorised staff. Where third-party providers are used, the Schools ensure appropriate contractual and security safeguards are in place.

Who has access to Personal Data and who the Schools share it with

Occasionally, the Schools will need to share personal information relating to their community with third parties, such as the NHS, Qualifications Scotland and alumni organisations.

For the most part, personal data collected by the Schools will remain within the Schools and will be processed by appropriate individuals 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 appropriate medical staff or those under their supervision, or otherwise in accordance with express consent
- pastoral or safeguarding files.

However, a certain amount of relevant information for any student with Special Educational Needs (SEN) 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 Schools are under duties imposed by law and statutory guidance, including that set out in the Children's Hearings (Scotland) Act 2011 (implemented in 2013), the National Guidance for Child Protection in Scotland 2014 and the Children and Young People (Scotland) Act 2014, to record or report incidents and concerns that arise or are reported to them, 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. For further information about this, please view the Child Protection Policy.

Finally, in accordance with Data Protection Legislation, some of the Schools' processing activity is carried out on their 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 transferred and kept securely and only processed in accordance with our instruction.

Whenever we transfer your personal data out of the UK, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection by the UK government.
- We will ensure appropriate safeguards are in place including binding corporate rules, standard contractual clauses approved for use in the UK (this includes those adopted by the European Commission prior to 1 January 2021), an approved code of conduct, or an approved certification mechanism.
- Where we use certain service providers, we may use specific contracts approved for use in the UK which give personal data the same protection it has in the UK.
- You have provided your explicit consent to the transfer of your personal data outside of the UK.
- The transfer is necessary for the purposes of performing a contract between us and you.

Where we transfer or host data outside the UK, we shall ensure there are appropriate safeguards in place, that you have enforceable rights and effective legal remedies and any data processor complies with its obligations under data protection legislation.

How long the Schools keep Personal Data

The Schools 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 files is up to 7 years following departure from the Schools.

However, incident reports and safeguarding files will need to be kept much longer, in accordance with specific legal requirements.

Further information about retention can be requested from the School's Data Protection Officer.

If you have any specific queries about how this policy is applied or wish to request that personal data which you no longer believe to be relevant is considered for erasure, please contact the Data Protection Officer at dpo@esms.org.uk. However, please bear in mind that the Schools may have lawful and necessary reasons to hold on to some personal data even following such a request.

A limited and reasonable amount of information will be kept for archiving purposes, for example; 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").

Keep in Touch and Supporting the Schools

The Schools will use the contact details of parents, alumni and other members of the school community to keep them updated about the activities of the Schools, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the Schools 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 Mary Erskine School FP Guild, Melville College Trust and Stewart's Melville College FP Club
- Contact parents and/or alumni including via The Mary Erskine School FP Guild, Melville College Trust and Stewart's Melville College FP Club by post and email in order to promote and raise funds for the Schools
- Should you wish to limit or object to any such use, or would like further information about it, please contact the Development Office Manager in writing at development@esms.org.uk. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the Schools are 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).

Statistical or aggregated data

Personal data may be converted into statistical or aggregated data which cannot be used to reidentify you. Aggregated data is anonymous information that is grouped together to generate statistics, research and reports. It is not considered personal data as it never directly or indirectly reveals your identity.

Your Rights

Your Rights Under UK Data Protection Law

Under UK data protection law, you have a number of important rights in relation to your personal data. These rights are not absolute and may be subject to certain conditions or exemptions.

1. Right to Be Informed

You have the right to be informed about how your personal data is collected and used. This privacy notice is designed to provide you with clear and transparent information about our data processing activities.

2. Right of Access

You have the right to request access to the personal data we hold about you, along with information about how we process it. This is commonly known as a “subject access request.” We will provide a copy of your data unless an exemption applies.

3. Right to Rectification

You have the right to request that we correct or complete any inaccurate or incomplete personal data we hold about you. We may need to verify the accuracy of the new data you provide.

4. Right to Erasure

You have the right to request that we delete your personal data in certain circumstances, for example where:

- the data is no longer necessary for the purposes for which it was collected
- you withdraw consent (where applicable)
- you object to processing and there are no overriding legitimate grounds

This right is sometimes referred to as the “right to be forgotten.”

5. Right to Restrict Processing

You have the right to request that we limit the processing of your personal data in certain situations, such as:

- where you contest the accuracy of the data
- where the processing is unlawful, but you oppose erasure
- where we no longer need the data, but you require it for legal claims

6. Right to Data Portability

Where processing is based on your consent or a contract and carried out by automated means, you have the right to receive your personal data in a structured, commonly used, and machine-readable format, and to have it transmitted to another controller where technically feasible.

7. Right to Object

You have the right to object to the processing of your personal data where we rely on legitimate interests or perform a task in the public interest. You also have an absolute right to object to your personal data being used for direct marketing purposes.

8. Rights Related to Automated Decision-Making

You have the right not to be subject to decisions based solely on automated processing, including profiling, where such decisions have legal or similarly significant effects on you, except in certain circumstances permitted by law.

9. Right to Withdraw Consent

Where we rely on your consent to process your personal data, you have the right to withdraw that consent at any time. This will not affect the lawfulness of processing carried out before you withdraw consent.

Exercising Your Rights

You can exercise any of your rights by contacting us using the details provided in this privacy notice. We may need to request specific information from you to help us confirm your identity. We aim to respond to all legitimate requests within one month. In some cases, this period may be extended if the request is particularly complex or numerous.

Complaints

If you are not satisfied with how we handle your personal data, you have the right to lodge a complaint with the UK's data protection regulator, the Information Commissioner's Office (ICO). However, we encourage you to contact us first so that we can try to resolve your concerns.

Education record requests

Those with parental authority may request access to a child's education record under the relevant education regulations. An education record includes information originating from a teacher or other employee of a local authority or school, the student, or the parent, and that is processed by or on behalf of the school's governing body or teaching staff. This typically encompasses details such as a student's academic achievements, as well as correspondence from teachers, local authority staff, and educational psychologists engaged by the governing body. It may also include information provided by the child and by parents, carers, or guardians. However, information provided by the parent of another child, or records created by a teacher solely for their own personal use, do not form part of a child's education record.

Parental Requests

Parents will in general receive education and pastoral updates about their children, in accordance with the parent contract. Where parents are separated, the school will aim to provide information to each parent or legal guardian with parental responsibility, in accordance with choices indicated in the parent contract, but may need to factor in all the circumstances, including the wishes of the child.

If a Parent, Guardian or any other individual such as a solicitor working on behalf of the data subjects wishes to request a Data Subject Access Request for their child, if the child is in the Senior School and is capable of understanding their rights in regards to Data, the requester will be required to provide proof that they have consent to provide that data.

Consent

Where the Schools are 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). Examples of when we do rely on consent are: certain uses of images, certain types of marketing and fundraising activity. Please be aware however that the Schools may not be relying on consent but have another lawful reason to process the personal data in question even without 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?

Rights under the Data Protection Legislation belong to the individual to whom the data relates. However, the Schools will often rely on parental authority or notice for the necessary ways they process 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 Schools relying on strict consent (see section on Consent above).

Where consent is required, the Schools will consider the nature of the processing and the student's age and level of understanding and may, where appropriate, seek the student's own consent. Parents should be aware that, in such cases, the Schools' safeguarding responsibilities take precedence and parental permission, or direction may override a student's consent where this is considered necessary to protect the student's welfare or comply with legal obligations.

In general, the Schools 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 opinion of the Schools, 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 Schools may be under an obligation to maintain confidentiality unless, in the Schools' opinion, there is a good reason to do otherwise; for example, where the Schools believe 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 Schools' Acceptable Use (Computers) Students policy and the school rules. Staff are under professional duties to do the same covered under the Acceptable Use (Computers) Staff policy, Data Protection Policy, and Social Media Policy.

Data Accuracy and Security

The Schools 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 relevant school office of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Legislation): please see above for details of why the Schools may need to process your data, and whom you may contact if you disagree.

The Schools will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around the use of technology and devices, and access to school systems. All staff and governors will be made aware of these policies and their duties under Data Protection Legislation and will receive relevant training.

This Policy

The Schools will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be communicated 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 by emailing dpo@esms.org.uk or by writing to Erskine Stewart Melville Nursery & Junior School, Ravelston, Edinburgh, EH4 3NT.

If an individual believes that the Schools have not complied with this policy or acted otherwise than in accordance with Data Protection Legislation, they should utilise the Schools'

complaints procedure and should also notify the Data Protection Officer. A referral or complaint may also be lodged with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the Schools before involving the regulator. You can contact the ICO by phone: 0303 123 1113 or through their website <https://ico.org.uk/make-a-complaint/>