



PRIVACY POLICY

WHO WE ARE

The Jersey Academy of Music hold information on students and parents in order to run JAM and in doing so have to comply with the Data Protection (Jersey) Law 2018. This means that the personal data held on students, tutors and suppliers must only be used for specific purposes allowed by Law. This statement outlines the types of data held, why that data is held, and to whom it may be passed.

WHAT THIS PRIVACY NOTICE IS FOR

This policy is intended to provide information about how JAM will use (or “process”) personal data about individuals including: its tutors; its current, past and prospective students; and their parents, carers or guardians (referred to in this policy as “parents”).

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

This **Privacy Notice** applies alongside any other information JAM 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 JAM’s other relevant terms and conditions and policies, including:

- any contract between JAM and its tutors or the parents of students;
- JAM’s policy on taking, storing and using images of children;
- JAM’s safeguarding and health and safety policies, including as to how concerns or incidents are recorded; and

Anyone who acts on behalf of JAM (including tutors, volunteers 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

JAM has appointed Claire Harvey as Privacy and Compliance Officer who will deal with all your requests and enquiries concerning JAM’s uses of your personal data (see section on Your Rights below) and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

WHY JAM NEEDS TO PROCESS PERSONAL DATA

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

Some of this activity JAM will need to carry out in order to fulfil its legal rights, duties or obligations.

Other uses of personal data will be made in accordance with JAM'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.

JAM expects that the following uses will fall within that category of its (or its community's) "legitimate interests":

- For the purposes of student registration;
- To provide education services to students, and monitoring students' progress and musical educational needs;
- For the purposes of planning and forecasting, research and statistical analysis;
- 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 JAM;
- To safeguard students' welfare;
- To make use of photographic images of students in JAM publications, on JAM's website and (where appropriate) on JAM's social media channels in accordance with the JAM's policy on taking, storing and using images of children;
- To cooperate with external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for JAM's purposes, including to obtain appropriate professional advice.

In addition, JAM will on occasion need to process **special category personal data** concerning health, 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 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, safeguarding, for insurance purposes or to caterers or organisers of events or trips who need to be made aware of dietary or medical needs;
- As part of a JAM or external complaints or investigation process that involves such data, for example if there are health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection and health and safety)

TYPES OF PERSONAL DATA PROCESSED BY JAM

This will include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- past, present and prospective students' attendance records (including information about any special needs), and examination marks;
- tutor files, including in connection with safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by JAM about students, and relevant information provided by previous establishments working with students;
- correspondence with and concerning tutors, students and parents past and present; and
- images of students (and occasionally other individuals) engaging in JAM activities,;

HOW JAM COLLECTS DATA

Generally, JAM receives personal data from the individual directly (including, in the case of students, from their parents). This may be via a registration form, or simply in the ordinary course of interaction or communication (such as email).

However in some cases personal data will be supplied by third parties (for example a previous tutor, or other professionals working with that individual); or collected from publicly available resources.

WHO HAS ACCESS TO PERSONAL DATA AND WHO JAM SHARES IT WITH

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

- **government authorities (e.g. police or the local authority);**
- **appropriate regulatory bodies including the Education Department;**
- **examination boards and other musical institutions;**

For the most part, personal data collected by JAM will remain within at JAM, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- **medical records; and**
- **safeguarding files.**

Tutors, students and parents are reminded that JAM is under duties imposed by law and statutory guidance to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of

seriousness in their nature or regularity. This is likely to include file notes on tutors or safeguarding files.. For further information about this, please view JAM's Safeguarding Policy.

Finally, tutors, students and parents should note that data will be taken off site by organisers of trips or excursions. This is necessary 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.

HOW LONG WE KEEP PERSONAL DATA

JAM will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason, as per the States of Jersey retention schedules.

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 Claire Harvey. However, please bear in mind that JAM may 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").

YOUR RIGHTS

- Rights of access, etc.

Individuals have various rights under Data Protection Law to access and understand personal data about them held by JAM and in some cases ask for it to be erased or amended or have it transferred to others, or for JAM 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 Claire Harvey.

JAM will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits.

- Requests that cannot be fulfilled

You should be aware that the right of access is limited to your own personal data, and certain data is exempt from the right of access. 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 JAM, or documents prepared in connection with a legal action).

JAM is also not required to disclose any confidential reference given by JAM itself for the purposes of the education or training of any individual.

All information requests will be considered on a case by case basis.

- Consent

Where JAM is relying on consent as a means to process personal data, any person may withdraw this consent at any time. Please be aware however that JAM 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 agreement with the individual (e.g. a service or parent contract, or because a purchase of goods has been requested).

- Whose rights?

The rights under Data Protection Law belong to the individual to whom the data relates. However, JAM will often rely on parental authority or notice for the necessary ways it processes personal data relating to students – for example via a form. In general, JAM 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 progress and behaviour, and in the interests of the student's welfare. That is unless, in the JAM's opinion, there is a good reason to do otherwise.

However, where a student seeks to raise concerns confidentially with a tutor and expressly withholds their agreement to their personal data being disclosed to their parents, JAM may be under an obligation to maintain confidentiality unless, in JAM's opinion, there is a good reason to do otherwise; for example where JAM believes disclosure will be in the best interests of the student or other students, or if required by law.

Students and tutors are required to respect the personal data and privacy of others, and to comply with the JAM's policies.

DATA ACCURACY AND SECURITY

JAM will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify JAM of any changes to information, such as contact details, held about them.

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

JAM will take appropriate technical and organisational steps to ensure the security of personal data about individuals.

THIS POLICY

JAM 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 Claire Harvey.

If an individual believes that JAM has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should notify Claire Harvey.

Claire Harvey, can be contacted in the following ways:

Telephone: +44 (0) 1534 720030

Email: info@jerseyacademyofmusic.co.uk

Address: Chateau Vermont, Mont Sohier, St. Saviour, Jersey, JE2 7HA

You can also make a referral to or lodge a complaint with the Office of the Information Commissioner, although the OIC recommends that steps are taken to resolve the matter with JAM before involving the regulator.

The Office of the Information Commissioner can be contacted in the following ways:

Telephone: +44 (0)1534 716530

Email: enquiries@dataci.org

Office of the Information Commissioner

One Liberty Place, Liberty Wharf,

St Helier,

Jersey, JE2 3NY

Created: 13th February 2020

Reviewed 13th April 2022