



**HORRIS HILL**

FOUNDED 1888

# Privacy Notice

<b>Policy reviewed:</b>	<b>February 2020</b>
<b>Policy approval:</b>	<b>Reviewed by Policy Audit Committee February 2020 Approved by Full Governing Board March 2020</b>
<b>Date of next review:</b>	<b>February 2021</b>



## Horris Hill School

### PRIVACY NOTICE

#### WHO WE ARE

Horris Hill Preparatory School Trust Limited ("the School") is a registered charity (number 307331) and a company limited by guarantee (company number 589055), for which the address and registered office is Horris Hill, Newtown, Newbury, Berkshire RG20 9DJ. The Governors, who are also the trustees of the charity and the directors of the company, are responsible for the overall management and control of the School.

The School is a Data Controller for the purposes of the relevant Data Protection Law and this Privacy Notice is intended to cover all the activities of the School. The School does not have any formally established associated organisations or related activities that are covered by a separate Privacy Notice.

The School takes its responsibilities as a Data Controller seriously and is committed to using the personal data it holds in accordance with the law.

#### WHAT THIS PRIVACY NOTICE IS FOR

This Privacy Notice is intended to provide information about how the School will use (or "process") personal data about individuals including prospective, current and past: pupils and their parents, carers or guardians (referred to in this policy as "parents"); staff, governors, suppliers and contractors; donors, friends and supporters; and other individuals connected to or visiting the School.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, governors, parents and pupils are all encouraged to read this Privacy Notice and to understand the School's obligations to its entire community. The School also has a Data Protection Policy applicable to its employees and other staff.

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 pupils;
- the School's Taking, Storing and Using Images of Children policy;
- the School's Retention of Records policy;

- the School's Data Protection 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, Online Safety policy and Social Media policy.

Anyone who works for, or acts on behalf of, the School (including staff, volunteers, governors and service providers) will be subject to suitable training and/or policies commensurate with their role.

## **RESPONSIBILITY FOR DATA PROTECTION**

The School has appointed the Bursar as the Information Privacy Compliance Officer who will deal with all your requests and enquiries concerning the School'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 Privacy Notice and Data Protection Law.

The Bursar can be contacted by writing to the School, or by phone (01635 30323) or by e-mail (bursar@horrishill.com).

## **WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA**

In order to carry out its ordinary duties to staff, pupils and parents, the School needs to process a wide range of personal data about individuals (including prospective, current and past staff, pupils or parents) as part of its daily operation as an independent boarding and day school for boys aged 4 to 13.

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

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 pupil selection and admissions (to confirm the identity of prospective pupils and their parents), and retain a record if appropriate for the purposes of future applications or openings;
- To provide education to pupils, including the administration of the school curriculum and timetable; monitoring pupils' progress and educational needs; reporting on the same internally and to parents; musical, dramatic and physical education, spiritual development and extra-curricular activities;
- To provide educational support and related services to pupils (and parents) including the maintenance of discipline; provision of library services; administration of sports fixtures and teams plus school trips; provision of the School's ICT system in accordance with the School's ICT policies;
- To monitor (as appropriate) use of the School's IT systems in accordance with the School's IT Acceptable Use policy;

- For School staff to safeguard pupils' welfare and provide appropriate pastoral care, welfare and health care services in boarding houses and the Health Centre;
- To enable pupils to take part in national or other assessments, and to publish the results of such assessments or other achievements of pupils of the School;
- To give and receive information and references about past and current pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils;
- Operational management including the compilation of pupil records; the administration of invoices, fees and accounts; the management of the School's property; 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); implementation of the School's rules and policies for pupils and staff; the maintenance of historic archives and other operational purposes;
- For security and safety purposes;
- For staff administration including the recruitment of staff and engagement of contractors (including compliance with DBS procedures); administration of payroll, pensions and sick leave; review and appraisal of staff performance; conduct of any grievance, capability or disciplinary procedures; the maintenance of appropriate human resources records for current and former staff and providing references;
- To comply with legislation and regulation including the preparation of information for inspections by the Independent Schools Inspectorate, submission of annual census information to each of the Independent Schools Council and Department for Education;
- To enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate;
- To promote the School through its own website, the prospectus and other publications and communications (including through social media channels);
- To make use of photographic images of pupils in school publications, on the School website and (where appropriate) on the School's social media channels in accordance with the School's Taking, Storing and Using Images of Children policy;
- Maintaining relationships with alumni and the School community, by communicating with the body of current and former pupils and/or their parents and organising events, 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;
- 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** (including for example concerning health, ethnicity or religion) 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 pupils' 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 pupil;
- 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;
- As part of any School or external complaints, disciplinary or investigation process that involves such data, for example if there are SEND, 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**

The personal data the School processes takes different forms – it may be factual information, expressions of opinion, images or other recorded information which identifies or relates to a living individual. This may include by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- family details;
- car details (about those who use our car parking facilities);
- bank details and other financial information and any anti money laundering information we are required to collect by law;
- past, present and prospective pupils' academic, disciplinary, admissions, attendance and other education related records (including information about any special needs), examination scripts and marks;
- education and employment data, 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 the School about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning staff, pupils and parents past and present;
- images, audio and video recordings of pupils (and occasionally other individuals) engaging in school activities (in accordance with the School's Taking, Storing and Using Images of Children policy); and
- courses, meetings or events attended.

## **HOW THE SCHOOL COLLECTS DATA**

Generally, the School receives personal data from the individual directly (including, in the case of pupils, 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, referees, other schools, the Disclosure and Barring Service, 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**

For the most part, personal data collected by the School will remain within the School. Personal data held by the School is processed by appropriate members of staff for the purposes for which the data was provided and in accordance with access protocols (i.e. on a 'need to know' basis). We 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.

Particularly strict rules of access apply in the context of "special category" data, most notably:

- medical records; and
- pastoral or safeguarding files.

The School needs to process medical data to comply with statutory duties and to keep pupils and others safe, but the School will ensure only authorised staff can access information on a need-to-know basis. This may include wider dissemination if needed for school trips or for catering purposes. Express consent will be sought where appropriate. However, a certain amount of any pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires. This is particularly relevant in the boarding setting that the School provides.

Occasionally, the School – including its governing board - will need to share personal information relating to its community (including special category personal data where appropriate) with third parties, such as:

- medical and professional advisers (e.g. the School's doctor, lawyers, insurers and accountants);
- examination boards;
- Stage 3 complaints panels, which include independent panel members;
- government authorities (e.g. HMRC, Department for Education, Department for Work and Pensions, UK Visas and Immigration, DBS, police or the relevant local authority); and
- appropriate regulatory bodies e.g. the Teaching Regulation Agency, the Independent Schools Inspectorate, the Charity Commission or the Information Commissioner.

Staff, pupils and parents are reminded that the School is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education or KCSIE) 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, low-level concerns records kept about adults, 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.

KCSIE also requires that, whenever a child leaves the school to join another school, his child protection file is promptly provided to the new organisation. The School will retain a copy in accordance with its retention policy for material relating to safeguarding matters.

In accordance with Data Protection Law, some of the School's processing activity is carried out on its behalf by third parties, such as ICT systems, hosted databases, the School website, the staff and parent portals or cloud storage providers. This is subject to contractual assurances that personal data will be kept securely and only processed in accordance with the School's specific directions.

The School only shares personal data about alumni and their parents with individuals and organisations supporting the School's efforts to maintain relationships with alumni and the wider school community. We do not share or sell personal data to other organisations for their own purposes.

### **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. The School has a Retention of Records policy which sets out the time period for which different categories of data are kept. Incident reports and safeguarding files will need to be kept much longer than ordinary staff and pupil information, in accordance with specific legal requirements. The School also reserves the right to retain all pupil files for a longer period in response to other government or sector guidance e.g. in response to the ongoing Independent Inquiry into Child Sexual Abuse.

If you have any specific queries about how our Retention of Records 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 Bursar. 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 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, though only with individuals and organisations helping to establish and maintain relationships with the School community;
- Contact parents and/or alumni (including via the individuals/organisations above) by post and email in order to raise awareness of and raise funds for the School and, where appropriate, other worthy causes;
- Should you wish to limit or object to any such uses, or would like further information about them, please contact the School 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

Individuals have various rights under Data Protection Law to access and understand their own personal data held and processed by the School, and in some cases ask for it to be erased or amended or to have it transferred elsewhere, 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 elsewhere, or who has some other objection to how their personal data is used, should put their request in writing to the Bursar.

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 generally one month, but actually fulfilling more complex or multiple requests, eg those involving third party information, may take 1-2 months longer).

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 Data Protection Law allows it).

If you consider that the personal data we hold on you is inaccurate, please let us know. However, the School will not necessarily delete or amend views, opinions, notes or records purely on the request of an individual who disputes the account, although we may keep a record of all parties' viewpoints.

### Requests that cannot be fulfilled

You should be aware that GDPR rights (including the right of access) is are 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).

The School is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers – although markers' comments may still be disclosable if they constitute pupil personal data), provide examination or other test marks ahead of their ordinary publication date, nor share any confidential reference held by the School that was (or will be) given for the purposes of the education, training, appointment or employment of any individual.

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 proportionate legitimate interest identified in this Privacy Notice. Generally, if the School still considers the processing of the personal data to be reasonably necessary, it is entitled to continue. All such requests will be considered on their own merits.

### Requests by or on behalf of pupils

Pupils 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 pupil 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 pupils, the law still considers the information in question to be the child's. For older pupils, 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.

Pupils in Year 8 at the School are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Younger children may however be sufficiently mature to have a say in this decision, depending on the child and the circumstances.

### Parental requests

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 pupils without their consent. The School may consider there are lawful grounds for sharing with or without reference to that pupil.

Parents will in general receive educational and pastoral updates about their children, in accordance with the Parent Contract. 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.

All information requests from, on behalf of, or concerning pupils – 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 as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Examples where we may rely on consent are: certain types of uses of images and 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 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 pupils – for example, under the Parent Contract, or via a form. Parents and pupils 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 pupil's age and understanding – to seek the pupil's consent, either alongside or in place of parental 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 pupils' 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 pupil's activities, progress and behaviour, and in the interests of the pupil's welfare. That is unless, in the School's opinion, there is a good reason to do otherwise.

However, where a pupil 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 pupil or other pupils, or if required by law.

Pupils are required to respect the personal data and privacy of others, and to comply with the School's policies and rules. Staff are under professional duties to do the same, as covered under the relevant staff policies.

## **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 School of any significant changes to important information, such as contact details, held about them.

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

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

## **UPDATES TO THIS PRIVACY NOTICE**

The School will update this Privacy Notice from time to time. Any substantial changes that affect your rights and/or how the School processes personal data will be notified on the School's website and provided to you directly as far as is reasonably practicable.

## **QUERIES AND COMPLAINTS**

Any comments or queries on this Privacy Notice should be directed to the Bursar using the contact details given above.

If an individual believes that the School has not complied with this Privacy Notice or acted otherwise than in accordance with Data Protection Law, they should utilise the School's complaints procedure and should also notify the Bursar. 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.