



PRIVACY NOTICE

Owner:	MB
Reviewed:	June 2021
Governor Approval:	June 2021
Next Review:	June 2022

COVID-19 RELATED PROCESSING:

While pandemic conditions persist, the school may need to collect, share and otherwise process personal data in accordance with Government guidance. This may be for reasons not specifically set out in this Privacy Notice but always for the purposes of protecting public and individual health by seeking to limit the spread of coronavirus (COVID-19).

1 INTRODUCTION AND WHO WE ARE

- 1.1 We are Lady Eleanor Holles School (referred to in this document as LEH or the School) a company limited by guarantee (Company Number: 6871042) and charity (Registered Charity Number: 1130254). Full contact details are provided on our website: www.lehs.org.uk.
- 1.2 In carrying out our day-to-day activities we use personal information about individuals including those referred to in 2.1. We are therefore required to adhere to all the terms of the General Data Protection Regulation as retained and applied in the UK ("UK GDPR") and Data Protection Act 2018 and all other data protection law and regulations ("Data Protection Law").
- 1.3 The School is committed to meeting its responsibilities to ensure compliance with Data Protection Law in accordance with this Privacy Notice.

2 THE PURPOSE OF THIS PRIVACY NOTICE

- 2.1 This Privacy Notice is intended to provide information about how the School will use (or "process") personal data about individuals including: its former, current, and prospective pupils and their parents, carers or guardians (referred to in this Privacy Notice as "parents").

The School also has:

- *a Summary Privacy Notice for Pupils to inform pupils how we use their data which they are made aware of and is available on the School's intranet;*
- *a separate Staff Privacy Notice providing information about how the School will process personal data about staff (including Governors);*
- *a Recruitment Privacy Notice providing information about how the School will process personal data of prospective applicants for roles; and*

- *a Privacy Notice (Development Office) providing information about how the School's Development Office will process personal data.*
- 2.2 This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Parents, pupils and staff are all encouraged to read this Privacy Notice and understand the School's obligations to its entire community.
 - 2.3 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 system or in paper form prior to a School trip or undertaking some counselling.
 - 2.4 This Privacy Notice also applies in addition to the School's other relevant terms and conditions and policies, including the contract between the School and parents and the School's Data Retention Policy.
 - 2.5 Anyone who works for, or acts on behalf of, the School (including staff, volunteers, Governors and service providers) should also be aware of and comply with this Privacy Notice and the School's Data Protection Policy, which provides further information about how personal data about those individuals should be used and protected.

3 RESPONSIBILITY FOR DATA PROTECTION

- 3.1 The School has appointed the Director of Finance and Operations as the member of the School's senior management team 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 Director of Finance and Operations can be contacted at mberkowitch@lehs.org.uk.
- 3.2 The Director of Finance and Operations will work closely with other members of staff who have data protection responsibilities including Head of Digital Operations, Digital Strategy Manager for Administration Services, HR Manager and Compliance Officer.

4 TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL

This will include, by way of example:

- 4.1 Parents (former, current and prospective)
 - names, addresses, telephone numbers, e-mail addresses and other contact details;
 - employment details and bank details and other financial information about parents (or others) who pay fees to the School and/or in relation to a bursary application;
 - information regarding a donation, records of payments made via the website (but the School does not store card details as these are processed securely externally by a third-party payment provider) and, and any anti money laundering information we are required to collect by law;
 - information on participation in our events, emails, surveys and general correspondence with and concerning parents; and

- in relation to former parents: consent options and other communication preferences.

4.2 Pupils (former, current and prospective)

- where appropriate, information about individuals' health and welfare;
- pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- 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 pupils;
- images of pupils (and occasionally other individuals) engaging in School activities, and images captured by the School's CCTV system;
- biometric information, which will be collected and used by the School in accordance with the information provided to parents when the pupils start at the School;
- car details (about those who use our car parking facilities);
- donation details and a record of payments made via the website (but the School does not store card details as these are processed securely externally by a third-party payment provider), and
- information on participation at School events, emails, surveys and general correspondence.

4.3 Other

- where appropriate, contact details for pupils' emergency contacts (next of kin or otherwise);
- contact details of suppliers, service providers and third parties providing support and services to the School; and
- images of individuals engaging in activities on the School site, and images captured by the School's CCTV system.

5 HOW THE SCHOOL COLLECTS DATA

- 5.1 Generally, the School receives personal data from the individual directly (including, in the case of pupils, from their parents). In relation to parents and pupils, this may occur at various times before during and after a pupil attends the School and through various points of contact with the School (e.g., careers, development office, boat club etc.).
- 5.2 This may be via a form (through the website, iLp or parent portal), when you attend an event, or simply in the ordinary course of interaction or communication (such as email or written assessments).
- 5.3 However in some cases personal data will be supplied by third parties (for example: another School, doctors, or other professionals or authorities working with that individual).

6 WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

- 6.1 In order to carry out its ordinary duties to pupils and parents, the School needs to process a wide range of personal data about individuals (including current, past and prospective pupils or parents) as part of its daily operation.
- 6.2 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 parents of its pupils.
- 6.3 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.
- 6.4 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 to confirm the identity of prospective pupils and their parents) and retain a record if appropriate for the purposes of future applications or place openings;
 - To provide education services, including musical education and physical training, career services, and extra-curricular activities to pupils, School visits, monitoring pupils' progress and educational needs and processing entries for public examinations including where such services are provided remotely (either temporarily or permanently) about which see Remote and Hybrid Teaching Policy for more detail;
 - Maintaining relationships with the School community, by sending invites to events, newsletters, direct marketing and fundraising activity (e.g., processing donations);
 - For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background;
 - 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 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;
 - To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils of the School;
 - To safeguard pupils' health and 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 Staff Acceptable Use of ICT Policy and the Acceptable Use of ICT Policies (Senior and Junior Schools);
 - To make use of photos and videos of pupils in School publications, and on the School's website and social media channels for educational or marketing and promotional purposes in accordance with the School's Policy on Taking, Storing and Using Images of Children as set out in the Schedule to this Notice;
 - 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: undertake market research, and obtain appropriate professional advice and insurance for the School.

6.5 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 on parents hosting exchange students) in accordance with rights or duties imposed on it by law, including as regards safeguarding, 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 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 pupils 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 pupil;
- To run any of its systems that operate on biometric data, such as for entry security and other forms of pupil identification (payment for lunch etc.);
- 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, immigration compliance and health and safety) and to comply with its legal obligations and duties of care.

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

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

- Medical records: The School needs to process such information to comply with statutory duties and keep pupils and other safe, and the School will ensure only authorised staff can access this information (e.g. School Nurses or School Counsellors) but this may include wider dissemination if needed for School trips or for catering purposes.
- Pastoral or safeguarding files: Staff, pupils 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, low level concern records, and in some

cases referrals to relevant authorities such as the LADO or police. For further information about this, please view the Safeguarding (Child Protection) Policy. KCSIE requires that, whenever a child leaves the School to join another school or college, his or her child protection file is promptly provided to the new organisation. The School will retain a copy in accordance with its Data Retention Policy for material related to safeguarding matters.

- SEND records: A certain amount of any SEND 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.

7.2 Occasionally, the School will need to share personal information with third parties, such as:

- professional advisers (e.g., lawyers, insurers and accountants);
- appropriate contractors such as visiting music teachers
- third parties to facilitate your purchase of optional insurances, iPads and School uniform;
- government authorities (e.g., DfE, police, a relevant public health/NHS body and/or local authority) and appropriate regulatory bodies (e.g., Teacher Regulation Authority, the Independent Schools Inspectorate, the Charity Commission or the Information Commissioner);
- a third-party organisation to assist with our bursary application assessment process;
- another school when a pupil leaves to attend another school;
- various specialists and advisors who assist the School in fulfilling its obligations and may need a pupil's information if this is relevant to the support they provide;
- organisations such as examinations boards, school visit providers, other schools including Hampton School and/or competition organisers in connection with learning and extra-curricular activities of pupils;
- Stage 3 complaints panels that will include Governors and independent panel members; and
- trading subsidiaries, suppliers or service providers who provide services to LEH (coach service, caterers etc.).

7.3 The School may send your personal data to other countries, including countries outside the EEA, for example when sending references or organising overseas visits.

7.4 In addition, in accordance with Data Protection Law, some of the School's processing activity is outsourced and carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. Wherever possible, this is always subject to contractual assurances that personal data will be kept securely and only in accordance with the School's specific directions.

8 HOW LONG WE KEEP PERSONAL DATA

8.1 The School will retain personal data securely and only in line with how long it is necessary to keep for the relevant activity. Typically, the legal recommendation for how long to keep ordinary pupil 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. Furthermore, the ongoing Independent Inquiry into Child Sexual Abuse (IICSA) has issued instructions to institutions (including independent schools) regarding records relating to the care of children and some files will be kept until further clarification and direction is provided by the Inquiry.

- 8.2 If you have any specific queries about how our Data 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 Director of Finance and Operations on mberkowitch@lehs.org.uk. 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.
- 8.3 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").

9 KEEPING IN TOUCH AND SUPPORTING THE SCHOOL

Some departments in the School (primarily the development and careers offices) will use the contact details of parents (current/former), alumnae and other members of the School community to keep them updated about the activities of the School, or alumnae/parent events of interest e.g., careers, including by sending updates (magazines and newsletters etc.) by email and by post. The School may also contact parents and/or alumnae by post and email in order to promote and raise funds for the School and collect information from publicly available sources about parents' and former pupils' occupation and activities, in order to maximise the School's fundraising potential. In addition, we may use publicly available information (e.g. LinkedIn), and/or use additional information such as geographical information and measures of affluence to ensure communications, invites and requests for support are appropriate and may interest the recipient (see also the Privacy Notice (Development Office) for more information).

10 YOUR RIGHTS

- 10.1 Individuals (both parents and pupils) 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.
- 10.2 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 e.g., those involving third party information may take up to two months longer).
- 10.3 Rights of access, etc.
- 10.3.1. The School will be better able to respond quickly to smaller, targeted requests for information made during term time. If the request for information is manifestly excessive or similar to previous requests, the School may ask you to reconsider, or

require a reasonable fee for the administrative costs of complying with the request, or in certain cases refused the request (but only where Data Protection Law allows it, and in accordance with relevant regulatory guidance).

10.3.2 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 on an individual who disputes the account, although we may keep a record of all parties' viewpoints.

10.4 Requests that cannot be fulfilled

10.4.1 You should be aware that UK GDPR rights (including the right of access) 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, or where a duty of confidence is owed by a legal adviser).

10.4.2 The School is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), potentially including mock exam scripts or other types of exams/tests used to assess performance. The School is also not required to provide examination or other test marks ahead of any ordinary public exams publication date, nor share any confidential reference held by the School that was (or will be) given for the purposes of the education of any individual.

10.4.3 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.

10.5 Requests by and on behalf of Pupils

10.5.1 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.

10.5.2 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 by the School in the child's best interests may sometimes be refused.

10.5.3 Pupils at Senior School are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested, including any relevant circumstances at home. Slightly younger children may however be

sufficiently mature to have a say in this decision, depending on the child and the circumstances.

10.6 Parental requests, etc.

10.6.1 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.

10.6.2 Parents will in general receive educational and pastoral updates about their children, in accordance with their contract with the School.

10.6.3 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.

10.7 Consent

10.7.1 Where the School is relying on consent (e.g., for biometrics) as a means to process personal data, any person may withdraw this consent at any time (subject to similar age considerations as above). Please be aware however that the School may not be relying on consent but have another lawful reason to process the personal data in question even without your consent.

10.7.2 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., a contract with the School).

10.8 Whose rights?

10.8.1 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 a contract with parents, 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).

10.8.2 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. 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.

10.8.3 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.

10.8.4 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.

10.8.5 Pupils are required to respect the personal data and privacy of others, and to comply with the Acceptable Use of ICT Policies (Senior and Junior Schools) and the School Rules. Staff are under professional duties to do the same covered under the School's Data Protection Policy.

11 DATA ACCURACY AND SECURITY

11.1 The School will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the Director of Finance and Operations of any significant changes to important information, such as contact details, held about them.

11.2 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).

11.3 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.

12 UPDATES

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.

13 QUERIES AND COMPLAINTS

13.1 Any comments or queries on this Privacy Notice should be directed to the Director of Finance and Operations at mberkowitz@lehs.org.uk or at LEH, Hanworth Road, TW12 3HF.

13.2 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 notify the Director of Finance and Operations (details above). 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.

SCHEDULE

POLICY ON TAKING, STORING AND USING IMAGES OF CHILDREN

1 Introduction

- 1.1 This Schedule provides information about how images (which shall include videos) of pupils (and other individuals) are normally used by the School.
- 1.2 It applies in addition to the School's Parent Contract, and any other information the School may provide about a particular use of images, including for example signage about the use of CCTV; and more general information about use of pupils' personal data, e.g., the School's Privacy Notice (to which this is a Schedule).
- 1.3 Certain uses of images are necessary for the ordinary running of the School; other uses are in the legitimate interests of the School and its community and unlikely to cause any negative impact on children. Examples include videos taken of lessons for professional review of staff. teaching and learning purposes, sharing best practice etc.; and taking images of School concerts and performances. The School is entitled lawfully to process such images and take decisions about how to use them, subject to any reasonable objections raised. In some circumstances, according to the reasons for videoing the lessons, we may seek consent.

2 Use of Pupil Images in School Publications, Online and the Media

- 2.1 The School will use images of its pupils to keep the School community updated on the activities of the School, and for marketing and promotional purposes, including:
 - 2.1.2 on internal displays (digital and conventional notice boards) within the School premises;
 - 2.1.3 in communications with the School community (parents, pupils, staff, Governors and alumnae) including by email, on the School intranet and by post;
 - 2.1.4 on the School's website and, where appropriate, via the School's social media channels which may include Twitter, Instagram, YouTube and Facebook and any social media sites used by our wider community including other schools (e.g., Hampton School) and school associations; and
 - 2.1.5 in the School's prospectus, magazines and newsletters etc. and in online, press and other external advertisements for the School.

and the School may continue to use any photos and videos after the pupil has left the School.

- 2.2 Photos may capture children or other individuals who are not pupils in a wider shot, but these will only be used where the images of individuals are not clearly identifiable.
- 2.3 The source of these images will predominantly be the School's staff (who are subject to policies and rules in how and when to take such images as set out in Appendix 4 of the Safeguarding (Child Protection) Policy), or a professional photographer or videographer for marketing and promotional purposes, or occasionally pupils. The School will only use images of pupils in suitable dress.

- 2.4 Any parent who wishes to limit the use of images of a pupil for whom they are responsible should contact the Director Finance and Operations (mberkowitz@lehs.org.uk) in writing. The School will respect the wishes of parents/carers (and indeed pupils themselves) whenever reasonable possible, and in accordance with this Privacy Notice and Schedule).
- 2.5 The media may attend events or school activities in which the School pupils are participating (both on and off site) in which case pupils may be included in media photos/videos from such an event, but the School will not directly provide pupil names for use by the media with such images without the consent of the parents or pupils (as applicable).

3. **Use of Pupil Images for Identification and Security**

All pupils are photographed on entering the School and, thereafter, at approximately three-yearly intervals, for the purposes of internal identification. These photographs identify the pupil by name and are contained within our management information system.

4. **Security of Images**

- 4.1 Professional photographers, videographers and the media are accompanied at all times by a member of staff when on School premises. The School uses only reputable professional photographers, videographers and makes every effort to ensure that any images of pupils are held by them securely, responsibly and in accordance with the School's instructions.
- 4.2 The School takes appropriate technical and organisational security measures to ensure that images are kept securely, and protected from loss or misuse, and in particular will take reasonable steps to ensure that members of staff only have access to images where it is necessary for them to do so.
- 4.3 All staff are given guidance on the School's Policy on Taking, Storing and Using Images of Children, and on the importance of ensuring that images of pupils are made and used responsibly, only for School purposes, and in accordance with the School's policies and the law.