

Privacy Notice

August 2018



Herne Hill School is the data controller of any information you provide to us and recognises its obligations of handling all such information in line with the Data Protection Act 2018 (DPA) and the EU General Data Protection Regulation (GDPR). This Notice sets out how and why we collect your information and what we do with it. We will update it from time to time as required by evolving laws, guidance and practice, informing you directly as far as is reasonably practicable of any substantial changes that affect your rights.

Why do we collect and use your information?

In order to carry out our ordinary duties to staff, pupils and parents, we need to process a wide range of personal data about individuals (including current, past and prospective pupils, parents, staff, contractors and volunteers) as part of our daily operations.

Some of this activity we need to carry out in order to fulfil our 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.

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

- for the purposes of pupil selection and staff recruiting (and to confirm the identity of prospective pupils, their parents and workforce members);
- to provide education and recreational services including, for example, musical education and extra-curricular activities, to pupils, and monitoring pupils' progress and educational needs;
- maintaining relationships with alumni and the school community, including direct marketing or fundraising activity;
- for the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax, diversity or gender pay gap analysis);
- to enable relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate;
- for the purposes of financial transactions and reporting such as the payment of school fees, payroll, national insurance, pensions, taxes, etc.;
- to give and receive information and references about past, current and prospective staff and 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;
- 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' welfare and provide appropriate pastoral care, including to help children settle into the school;
- to monitor (as appropriate) use of the school's IT and communications systems;
- 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 policy on taking, storing and using images of children;
- for security purposes, including CCTV;
- 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, we will on occasion need to process special category personal data (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required. These reasons will include:

- to safeguard 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 SEN, health or safeguarding elements; or
- for legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

Which data are collected?

By way of example, the types of collected data include:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about parents who pay fees to the school;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academics, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;

- references given or received by the school about staff or 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; and
- images of pupils (and occasionally other individuals) engaging in school activities, and images captured by the school's CCTV system (in accordance with the school's policy on taking, storing and using images of children).

How do we collect data?

Generally, we receive 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 another school, or other professionals or authorities working with that individual); or collected from publicly available resources.

Who has access to your data?

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

- service providers (e.g. peripetatic instructors, the school's caterers, after school club providers, payroll bureau, etc.);
- professional advisers (e.g. lawyers, insurers, accountants, etc.);
- government authorities (e.g. HMRC, DfE, police or the local authority);
- appropriate regulatory bodies such as the Independent Schools Inspectorate or the Information Commissioner's Office (ICO); and
- the school's parent association Friends of Herne Hill School (FHHS).

For the most part, personal data collected by us 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 medical records and safeguarding files.

However, a certain amount of any SEN 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.

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, 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.

Importantly, some of the school's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the school's specific directions.

Finally, your data will not be transferred outside of the European Economic Area.

How long do we keep your data?

We 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 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.

If you have any specific queries about how our retention policy is applied, or wish to request that personal data that you no longer believe to be relevant is considered for erasure, please contact the Bursar, who is the appointed Privacy Officer responsible for overseeing data protection at the school. However, please bear in mind that the school may have lawful and necessary reasons to hold on to some personal data even following such a request.

The school and/or its parent association FHHS will from time to time use the contact details of former staff, alumni and their parents as well as 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.

Should you wish to limit or object to any such use, or would like further information about them, please contact the Privacy Officer in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the school is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

What are your rights?

We recognise all the rights individuals have under the DPA and the GDPR regarding their personal data held by us, including:

- be informed about how we use your personal data;
- request access to the personal data that we hold;
- request that your personal data is amended if it is inaccurate or incomplete;
- request that your personal data is erased where there is no compelling reason for its continued processing;
- request that the processing of your data is restricted;
- object to your personal data being processed; and

- where we rely on consent as a means to process personal data such as certain types of uses of images, withdraw this consent at any time.

Any requests or objections should be made to the Privacy Officer in writing.

How do we keep your data secure?

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 will be made aware of this Notice and their duties under prevailing data protection laws and receive relevant training.

If a security incident takes place which affects the confidentiality, integrity or availability of data, the school will swiftly investigate the matter and establish whether a personal data breach has occurred and, if so, promptly take steps to address it, including telling the Information Commissioner's Office (ICO) if required.

How can you make a comment or a complaint?

Any comments or queries on this Notice should be directed to the Privacy Officer.

If you are unhappy with the way in which your personal data has been processed, or if you believe that the school has not complied with this Notice or acted otherwise than in accordance with data protection laws, you may, in the first instance, contact the Privacy Officer and/or follow the school's complaints procedure.

If you remain dissatisfied, you can apply to the Information Commissioner for a decision. You also have the right to directly make a referral to or lodge a complaint with the Information Commissioner's Office (ICO) at any stage but please be aware that the ICO recommends that steps are taken to resolve the matter with the school before involving the regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF
www.ico.org.uk